

Linda

AGENDA
REGULAR MEETING DES MOINES CITY COUNCIL
February 26, 2004 - 7:30 p.m.

CALL TO ORDER - Mayor Sheckler

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC: At this time you are invited to comment on items that you wish to bring to Council's attention. Please sign in prior to the meeting and limit your comments to three minutes or less.

BOARD & COMMITTEE REPORTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORTS

CONSENT CALENDAR*

1. Motion is to approve the regular minutes of February 5, 2004, and the special and regular minutes of February 12, 2004.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks # through # & electronic fund transfers in the total amount of \$

Payroll fund transfers in the total amount of \$

3. Motion is to confirm Mayor Sheckler's appointments of Jill Patton and Florence McMullin to two (2) year terms on the Human Services Advisory Board; and Barbara Lloyd McMichael to a three (3) year term on the Library Board. All terms to be effective January 1, 2004."
4. Draft Ordinance No. 03-079 - Title: An Ordinance of the City of Des Moines, Washington, relating to municipal finance, creating imprest cash funds, authorizing the Finance Director to establish policies for creation and operation of such funds, creating a new chapter in Title 3 DMMC entitled "Imprest Cash Funds", and repealing chapter 3.60 DMMC.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 03-079.

5. Motion is to create the position of regular part-time Municipal Court Judge.

*NOTE: Items on the Consent Calendar are either routine or have been previously discussed. Any item may be removed by a Councilmember.

all present

Warren Elstrom
Janna Zabrodsky
Orest Zabrodsky
Lynda Sharp
Lynn Voss

Pam Janeli
Brent Oliver
Dan Donlavy
Don Kelson
Betty Cissel

Michael Brown
George Petroff
Michael Snyder

removed
by Scott
passed 7-0

removed
by
Maggie

passed 7-0

1. Draft Ordinance No. 04-022 - Closure of South 212th Street - 1st Reading

passed
4-2-1

passed up Directives
to Tony

- ## 1. Amended Airport Communities Coalition (ACC) Interlocal Agreement

SUMMARY: The purpose of this agenda item is to present to the City Council an amended Airport Communities Coalition Interlocal Agreement for review and approval.

- ## 2. Intergovernmental Relations Policies and Positions

SUMMARY: The purpose of this agenda item is to allow the City Council to choose up to three voting delegates to attend the Association of Washington Cities 2004 annual business meeting and vote on behalf of the City.

Study Session March 4, 2004

It's my fault that they're stupid.

Need new ordinance
Amend DMME
2.28 to reflect employee status

CONSENT CALENDAR
Item #5

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

passed 6-1

SUBJECT:

Changing Judge to Part-time Employee

ATTACHMENTS:

Current Judge's Contract

FOR AGENDA OF: February 26, 2004 0

DEPT. OF ORIGIN: Municipal Court

DATE SUBMITTED: February 19, 2004

CLEARANCES:

☒ Legal

☒ Municipal Court

APPROVED BY CITY MANAGER

FOR SUBMITTAL:

PURPOSE AND RECOMMENDED ACTION

The purpose of this agenda item is to request Council to direct the City Manager to create a regular part-time position for the Municipal Court Judge.

MOTION: "I move to create the position of regular part-time Municipal Court Judge."

to direct staff to DMME
2.28

BACKGROUND

Colleen A. Hartl, was appointed Judge of the Des Moines Municipal Court in January 2001 and reappointed January 1, 2002 for a four year term pursuant to a contract entered into between the City of Des Moines and Judge Hartl, as an independent contractor. Judge Hartl desires to change her status from that of an independent contractor to that of a part-time employee for a fixed term in order to receive certain employment benefits. Those benefits would be; pro-rated holiday pay, sick leave and vacation, Dental, Vision; 401, 457, Fortis, and DRS State Retirement.

DISCUSSION

Changing the Judge's contract to a regular part-time position would not have any financial impacts to the city's budget. The Judge would take a reduction in her hourly rate in an amount equal to the cost to the city of providing benefits. The Cities of Tukwila, Puyallup and Fife also have part-time Judges that receive benefits. Their hourly rates are lower than that of contract judges to fund the costs of benefits.

This change would not affect the existing Des Moines Municipal Code judicial appointment process. Judicial appointment or reappointment for the City of Des Moines shall continue to be conducted pursuant to the Des Moines Municipal Code and the Revised Code of Washington.

Judge Hartl is subject to the laws of the State of Washington, the Personnel Manual of the City, and the terms and conditions of this Employment Agreement. Judge Hartl's fixed term appointment is subject to the policies applicable to an exempt employee as provided in the City of Des Moines Personnel Manual. Provided, however, that in case of a conflict between the Personnel Manual of the City, and the Washington State Code of Judicial Conduct (CJC) and Washington Administrative Rules for Courts of Limited Jurisdiction Rule 4 (ARLJ 4) concerning Judge Hartl's duty as a Municipal Court Judge, then CJC and ARLJ 4 shall control.

ALTERNATIVE

Leave the Judge as an independent contractor.

FINANCIAL IMPACT

There will be no additional costs for this change, the Judge would take a reduction in her hourly pay in order to fund the part-time employee benefits. The current annual salary without benefits is \$94,640, with an hourly rate of \$65 an hour. The new salary with benefits would be \$92,500, with an hourly rate of \$56.00 an hour.

RECOMMENDATION (OR CONCLUSION)

Authorize the City Manager to create the regular part-time Judge position.



City of Des Moines

ADMINISTRATION
21630 11TH AVENUE SOUTH, SUITE A
DES MOINES, WASHINGTON 98198-6398
(206) 878-4595 T.D.D.: (206) 824-6024 FAX: (206) 870-6540



January 8, 2002

The Honorable Colleen A. Hartl
1812 SW 304th Street
Federal Way, WA 98023

Re: Reappointment as Municipal Court Judge

Dear Colleen:

The Des Moines City Council has confirmed my decision to reappoint you as the Des Moines Municipal Court Judge for a four-year term, effective January 1, 2002 through December 31, 2005.

Duties and Tenure: As Municipal Court Judge, you possess all powers granted to such position through DMMC 2.28.030, RCW Chapter 3.50 and other applicable law. The term of your reappointment is January 1, 2002 through December 31, 2005.

Hours and Work Schedule: As of the date of your re-appointment, the City's Municipal Court conducts a full-day session on Wednesday and sessions on Monday of each week, excepting holidays or other occasions, in accordance with law, on which you determine a court session should be canceled. In addition, jail calendars are conducted through an agreement with the Tukwila Municipal Court and King County using video arraignment procedures. As part of your duties, you will be responsible for presiding over trials and other court sessions, and in your absence a pro tem judge should be designated to serve. At your discretion, and as provided in DMMC 2.28.070, the Court schedule is subject to modification. Finally, police officers and other City officials may contact you from time to time seeking warrants, orders or other judicial records as provided by City ordinances or state law.

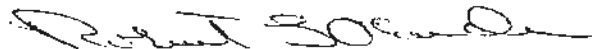
Compensation and Benefits: As compensation for services provided as Municipal Court Judge, you shall receive \$65.00 dollars per hour. Please maintain accurate time sheets or invoices in a form acceptable to the City's Finance Director and submit such records in a timely manner. Recognizing the flexibility you must maintain in your daily schedule and the personal inconvenience that might be created as you endeavor to perform your duties as Municipal Court Judge, your submissions for compensation should be rounded to the quarter hour. As your services will be compensated on a contractual basis, you are not eligible for medical, sick leave, vacation and other

benefits available to regular employees. However, as provided in DMMC 2.28.060, you shall be entitled to two court sessions (i.e., 16 hours) per year leave with pay.

Magistrate: DMMC 2.28.050 provides that you shall appoint a Magistrate to hear and determine traffic infractions in which the defendant has requested a mitigated circumstances hearing pursuant to RCW 46.63. The Magistrate serves at the pleasure of the Municipal Court Judge. Finally, the Municipal Court Judge may serve as Magistrate.

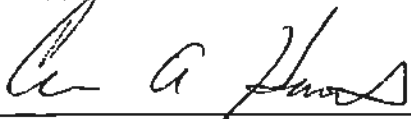
On a personal note, I am excited and pleased to have you serve as our Municipal Court Judge. Your qualifications, enthusiasm, and experience give me great confidence that you will continue to be successful in this position. I look forward to working with you over the next few years.

Sincerely,



Robert L. Olander
City Manager

I, Colleen A. Hartl, do hereby accept reappointment to the position of Municipal Court Judge for the City of Des Moines, effective January 1, 2002, for the term ending December 31, 2005, and further accept, approve, ratify and confirm the terms and conditions set forth in this letter.



Colleen A. Hartl
Municipal Court Judge

Date: 1-9-02

RLO:GNM:vs

Attachment

CONTRACT:HartlJudgeReappt/01-223

passed as amended

✓

AGENDA ITEM

See marked changes

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Municipal Finance -
Centralizing responsibility and authorizing the
Finance Director to establish and maintain imprest
cash funds policies

FOR AGENDA OF: February 26, 2004

DEPT. OF ORIGIN: Finance

DATE SUBMITTED: February 19, 2004

ATTACHMENTS:

- Draft Ordinance No. 03-079
- Attachment A - Imprest Cash Funds – Draft Policy & Procedure
- Petty Cash Reimbursement Form

CLEARANCES:

☒ Finance *pl*

☒ Legal *Law*

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *AM*

Purpose and Recommendation

Adoption of Draft Ordinance No. 03-079, establishing a new Imprest Cash Funds Chapter of the Des Moines Municipal Code as recommended by the State Auditor, and repealing the existing DMMC Chapter 3.60 concerning Petty Cash.

Suggested motions:

First Motion: "I move to suspend Rule 26(b) in order to adopt Draft Ordinance No. 03-079 on first reading."

Section Motion: "I move to adopt Draft Ordinance No. 03-079, establishing a new Imprest Cash Funds Chapter of the Des Moines Municipal Code as recommended by the State Auditor, and repealing the existing DMMC Chapter 3.60 concerning Petty Cash.."

Background

The existing Des Moines Municipal Code Chapter 3.60 establishes the authority and requirements for the administration of petty cash. Chapter 3.60 details petty cash accounts assigned to departments with maximum dollar amounts. Flexibility in administering the petty cash accounts is limited by the Code. Increases or decreases to individual petty cash accounts must be by ordinance. Custodians for each petty

As the need occurs, change funds could be increased to accommodate increased business, change of business practices, increased fees, etc., eliminating the need for cashiers to make unnecessary trips to the bank to obtain change.

Recommendation/Conclusion:

It is recommended that the City Council adopt Draft Ordinance No. 03-079.

Concurrence

The Washington State Auditor's Office.

CITY ATTORNEY'S FIRST DRAFT 02/19/04

DRAFT ORDINANCE NO. 03-079

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, relating to municipal finance, creating imprest cash funds, authorizing the Finance Director to establish policies for creation and operation of such funds, creating a new chapter in Title 3 DMMC entitled "Imprest Cash Funds," and repealing chapter 3.60 DMMC.

WHEREAS, on September 14, 1995, the City Council passed Ordinance No. 1144 establishing petty cash accounts for City departments, and

WHEREAS, on April 22, 1999, the City Council passed Ordinance No. 1234 amending petty cash fund amounts for the Municipal Court, and

WHEREAS, Ordinance No. 1144 and chapter 3.60 DMMC only address petty cash funds, and

WHEREAS, the petty cash fund is a type of imprest fund, as are change and investigative funds, and

WHEREAS, current funds and policies are in need of reorganization and should address various imprest funds, and

WHEREAS, the Washington State Auditor's Office recommends that the responsibility for establishing and maintaining imprest funds be centralized, and

WHEREAS, in response to the Washington State Auditor's Office recommendation, the City Council wishes to establish imprest cash funds in a total amount not to exceed \$8,000.00, and

WHEREAS, the City Council finds that this ordinance is appropriate and necessary for the preservation of the public health and welfare; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Ordinance No. ____
Page 3 of ____

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 8. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2004 and signed in authentication thereof this ____ day of ____, 2004.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

DRAFTORD:03/079

6.1.2 Each imprest cash fund custodian will reconcile the imprest cash fund at a minimum monthly to reimburse the fund in order to record the transactions in the proper accounting period. The exception is that the police investigative fund be reconciled monthly and submitted at a minimum annually to record the transactions in the proper accounting period. The reimbursement request is forwarded to Accounts Payable in the Finance Department to be processed on the next available check run.

DRAFT

POLICY AND PROCEDURE
SUBJECT: IMPREST CASH FUNDS
EXHIBIT 1

	CITY OF DES MOINES	PETTY CASH REIMBURSEMENT FORM														
<table style="width: 100%; border: none;"><tr><td style="width: 45%; border: 1px solid black; padding: 5px;">Amount: \$</td><td style="width: 55%; border: 1px solid black; padding: 5px;">Department/Division Authorization</td></tr><tr><td style="border: 1px solid black; padding: 5px;">Name:</td><td style="border: 1px solid black; padding: 5px; text-align: center;">(Please print authorized name)</td></tr><tr><td style="border: 1px solid black; padding: 5px;">Date: / /</td><td style="border: 1px solid black; padding: 5px; text-align: center;">(Authorized signature)</td></tr><tr><td colspan="2" style="border: none; padding: 10px 0 0 0;">Purpose: _____</td></tr><tr><td colspan="2" style="border: 1px solid black; padding: 5px;">Account No:</td></tr><tr><td colspan="2" style="border: none; padding: 10px 0 0 0;">I certify under penalty of perjury that the above costs were incurred by me on behalf of the City of Des Moines.</td></tr><tr><td colspan="2" style="border: 1px solid black; padding: 5px;">Signature for receipt of cash:</td></tr></table>			Amount: \$	Department/Division Authorization	Name:	(Please print authorized name)	Date: / /	(Authorized signature)	Purpose: _____		Account No:		I certify under penalty of perjury that the above costs were incurred by me on behalf of the City of Des Moines.		Signature for receipt of cash:	
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passed as amended

✓

AGENDA ITEM

See marked changes

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FOR AGENDA OF: February 26, 2004

DEPT. OF ORIGIN: Finance

DATE SUBMITTED: February 19, 2004

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CLEARANCES:

☒ Finance *pl*

☒ Legal *pl*

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *pl*

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Concurrence

The Washington State Auditor's Office.

CITY ATTORNEY'S FIRST DRAFT 02/19/04

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Ordinance No. ____
Page 3 of ____

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PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2004 and signed in authentication thereof this ____ day of ____, 2004.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

DRAFTORD:03/079

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DRAFT

POLICY AND PROCEDURE
SUBJECT: IMPREST CASH FUNDS
EXHIBIT 1

	CITY OF DES MOINES	PETTY CASH REIMBURSEMENT FORM
Amount: \$ Name: Date: / / Purpose: _____ Account No:		Department/Division Authorization (Please print authorized name) (Authorized signature)
I certify under penalty of perjury that the above costs were incurred by me on behalf of the City of Des Moines. Signature for receipt of cash:		

passed 4-2-1

*see
marked
changes*

OLD BUSINESS
Item #1

JP

AGENDA ITEM

SUBJECT:

Potential Street Closure:
Portion of South 212th Street between 7th
Place South and Des Moines Memorial Drive

ATTACHMENTS:

1. Draft Ordinance No. 04-022
2. Vicinity Map
3. Aerial Photo of Area
4. Proposed Turnaround at Street End
5. CH2M Hill Draft Field Inspection /
Preliminary Recommendations
Memorandum

AGENDA OF: February 26, 2004

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: February 9, 2004

CLEARANCES:

[] Finance _____
[X] Public Works *W. Andrews*
[X] Legal *R. Smith*

APPROVED BY CITY MANAGER
FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation:

The purpose of this item is to discuss, and hold a public hearing to consider the potential closure of that portion of South 212th Street between 7th Place South and Des Moines Memorial Drive in the City of Des Moines.

Suggested Motions:

- 1) "I move to suspend Rule 26 (b) in order to enact Draft Ordinance No. 04-022 on its first reading," and
- 2) "I move to enact Draft Ordinance No. 04-022, closing that portion of South 212th Street between 7th Place South and Des Moines Memorial Drive."

Background:

This portion of South 212th Street was acquired from King County in 1993 as part of the North Hill 1 annexation. It has been suggested by at least one local resident that this roadway may have started life as an informal construction / access road some fifty years ago. This is plausible judging by its numerous geometric and safety deficiencies. Local residents know it as a "courtesy" road because it is only wide enough for one car to use at a time (The descending car backs up to allow passage for the ascending car.). It serves as a local access road that provides secondary access to approximately 33 homes on 7th Place South (between South 208th Street & South 212th Street). Traffic volume is assumed to be less than 400 vehicles per day. Accident history is consistent with similar roads in the North Hill area. This portion of South 212th Street was washed-out on January 10, 2004, as a result of a Highline Water District water main break. This right of way contains storm drainage, water, and sewer.

*passed 4-2-1 absent
magg*

passed 4-2-1

Discussion:

The January 10, 2004 water main break was significant enough to necessitate complete design and reconstruction of the road segment. City staff has spent many hours scrutinizing reconstruction options. The road section deficiencies are numerous: width, grade, skew, vertical curve geometry, clear sight distance, and stopping sight distance. If reconstructed in its current location, this road will not meet City Street Standards, nor will it meet American Association of State Highway and Transportation Officials (AASHTO) guidelines.

The straight-line grade between 7th Place South and Des Moines Memorial Drive is 23%. The actual slope of the road will be substantially steeper because the top and bottom of the road will be rounded out to connect to the cross streets. The City code for new streets allows a maximum grade of 14%. Fire trucks do not use this street because of its steepness.

The width of the road before the washout was approximately 13 feet. This is not wide enough for two cars. Typical lane widths are 10 to 12 feet. Widening the road would be extremely costly because the unimproved slope to the south is steep, and retaining walls would be necessary to support the road.

Other factors that have been taken into consideration include:

- This road section does not serve a role as a fire / life-safety response route.
- Public Works Maintenance has difficulty maintaining the street because of its severe slopes. The road requires closure during icy conditions. They get frequent requests for trimming brush due to sight distance limitations at Des Moines Memorial Drive.
- South 208th Street alone provides reasonable access for residents of 7th Place South.
- Many adjacent streets in the North Hill area are dead-ended in this manner.
- This street is not part of the garbage service route.
- The road will most likely be eliminated with the City's planned Des Moines Memorial Drive Project. The Des Moines Memorial Drive Project includes widening to accommodate three 12' lanes, two bike lanes and a sidewalk. This widening would significantly worsen the already substandard grade of South 212th Street, and permanent closure will be necessary at that time. The Des Moines Memorial Drive project is in the City's 6-year Transportation Improvement Plan.
- An outside consultant has recommended closure (a draft copy of their recommendations is attached).
- Staff has discussed the issues of reconstructing this road with the City's insurance provider, Washington Cities Insurance Authority (WCIA). WCIA staff recommends that if the road is reconstructed, it should not be reconstructed to its existing substandard conditions. WCIA suggests that the City previously only had "constructive" knowledge of the substandard condition of the road. This means that although the road conditions were evident, the city was not getting complaints and the safety hazards were not readily evident for the City to address. There is less liability risk when the City is "maintaining" a street that has always been substandard. However, because of the washout, the City now has "actual" knowledge of the substandard conditions. In reconstructing the road, staff is forced to acknowledge and consider its severe safety deficiencies. WCIA indicates that our liability risk is severely increased if the City elects to reconstruct the road in its substandard configuration with this "actual" knowledge of safety deficiencies. The City Attorney concurs with their opinion.

Engineering does not generally support road closures, and is sympathetic to the access related arguments that support reconstruction of this street; however, there are no reasonable cost options for reconstruction to current street standards due primarily to fixed topographic constraints. Legal liability issues would arise were we to reconstruct a road with no remedy for such an extensive list of acknowledged safety deficiencies. For all of the reasons listed, staff recommends closure of this problematic street section.

Staff briefed the Public Safety and Transportation Committee on this issue on February 5, 2004. The PS&T Committee asked that an ordinance for street closure be prepared for Council to discuss at their February 12, 2004 meeting. They further recommended a public hearing be held at that meeting.

The attached ordinance includes a section declaring an emergency. This will allow the ordinance, if passed, to take effect immediately, hence allowing staff to give the water district immediate direction on repair work. This declaration requires a minimum of five votes to pass.

Alternatives:

1. Council could choose to reconstruct this street section to current engineering design guidelines. This would require significant right of way acquisition and retaining wall construction to gain the space necessary to reduce the grade and increase the width of the road, as well as length to construct proper vertical and horizontal curves.
2. Council could choose to reconstruct this street section to its previous substandard condition. By doing this, the City would accept the increased liability risk as discussed above. The City would also have to reconsider the closure at the time the Des Moines Memorial Drive Project is designed.
3. Council could choose to reconstruct this street section, and have it function as a substandard one-way street. This would resolve the concerns of substandard width, and sight distance at the top of the hill. All of the other issues would remain, including substandard grade, skew, and vertical curves, as well as the maintenance and liability issues.
4. Council could choose to permanently close this street section.

Financial Impact:

Currently, Highline Water District has taken responsibility for the washed out road and is prepared to reconstruct it. It is reasonable to expect that Highline would be required to follow certain construction standards and practices to reconstruct the street to its pre-existing condition. Additional engineering estimates are necessary to determine the relative costs of reconstruction, compared with permanent closure, of the street. The allocation of financial responsibility for any additional work necessary to construct the road in a different configuration or to different standards, or to close the street, would have to be negotiated with Highline.

By closing this portion of South 212th Street, the City will save ongoing costs associated with vegetation control and difficult maintenance, as well as any costs associated with potential

future liability lawsuits. Closure also eliminates future costs associated with permanently closing the street for the Des Moines Memorial Drive Project.

Recommendation/Conclusion:

Staff recommends that City Council close this portion of South 212th Street (between 7th Place South and Des Moines Memorial Drive).

Concurrence:

Public Works Maintenance, Police, WCIA, and Legal concur with Engineering's recommendation to permanently close this street.

CITY ATTORNEY'S FIRST DRAFT 02/05/04

DRAFT ORDINANCE NO. 04-022

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON closing vehicular traffic access to South 212th Street between Des Moines Memorial Drive and 7th Place South in the City of Des Moines, and declaring an emergency.

WHEREAS, South 212th Street between Des Moines Memorial Drive and 7th Place South is a local access road that was annexed into the City of Des Moines in 1993, and

WHEREAS, South 212th Street between Des Moines Memorial Drive and 7th Place South as constructed when annexed into the City of Des Moines did not comply with American Association of State Highway and Transportation Officials (AASHTO) highway guidelines or City of Des Moines street standards in many respects, and

WHEREAS, the construction deficiencies of South 212th Street between Des Moines Memorial Drive and 7th Place South present numerous traffic hazards to the traveling public, and

WHEREAS, the City's long-term 6-Year Transportation Improvement Program 2004-2009 anticipates probable future closure of South 212th Street between Des Moines Memorial Drive and 7th Place South to accommodate planned widening of Des Moines Memorial Drive, and

WHEREAS, South 212th Street between Des Moines Memorial Drive and 7th Place South was washed out in a Highline Water District water main break on January 10, 2004, and

WHEREAS, Highline Water District has acknowledged its responsibility to provide funds to reconstruct South 212th Street between Des Moines Memorial Drive and 7th Place South in the manner required by the City, and

WHEREAS, after engineering review, and after consultation with a geotechnical expert, with the City's liability insurer, and with the Des Moines Police Department, the City of Des Moines Public Works Department recommended closure of South 212th Street between Des Moines Memorial Drive and 7th Place South and construction of dead-end turnarounds, and

ATTACHMENT 1

*Open public
meeting
on 2/26/04
and in*

WHEREAS, the City Council considered closure of South 212th between Des Moines Memorial Drive and 7th Place South in public hearing on February 12, 2004, after public notice provided by official posting, newspaper publication, notice to utilities, notice to fire and police departments, and hand-delivered notice to surrounding property owners, and

WHEREAS, the City Council of the City of Des Moines has exclusive control of its streets pursuant to state statute, RCW 35A.47.020-.030 and RCW 35A.11.020, and

WHEREAS, the City Council finds that closure of South 212th Street between Des Moines Memorial Drive and 7th Place South is necessary to reduce traffic hazards, and to protect the City from liability for deficient street design, and

WHEREAS, the City Council finds that closure of South 212th Street between Des Moines Memorial Drive and 7th Place South does not unreasonably affect access to adjacent property, and

Selected
WHEREAS, the City Council finds that passage of this ordinance constitutes an emergency affecting protection of public safety and public property because of the washed-out state of the road and because of the need to complete work consistent with the Highline Water District construction schedule; now therefore

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings. The findings and conclusions set forth in the above recitals are adopted in full by the City Council in support of its decision to close South 212th Street between Des Moines Memorial Drive and 7th Place South to vehicular traffic access.

Sec. 2. Street closed. South 212th Street between Des Moines Memorial Drive and 7th Place South in the City of Des Moines is hereby closed to vehicular traffic access.

Sec. 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

deleted
Sec. 4. Emergency declared. This ordinance is necessary for protection of public safety and public property. An emergency is declared requiring the immediate response of the City through adoption of this public emergency ordinance.

deleted
Sec. 5. Effective date of public emergency ordinance. This ordinance shall take effect and be in full force immediately upon adoption as a public emergency ordinance by a majority plus one of the whole membership of the Des Moines City Council.

deleted
PASSED BY a majority ~~plus one of the whole membership~~ of the City Council of the City of Des Moines this ____ day of _____, 2004 and signed in authentication thereof this ____ day of _____, 2004.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

Change to
30 days

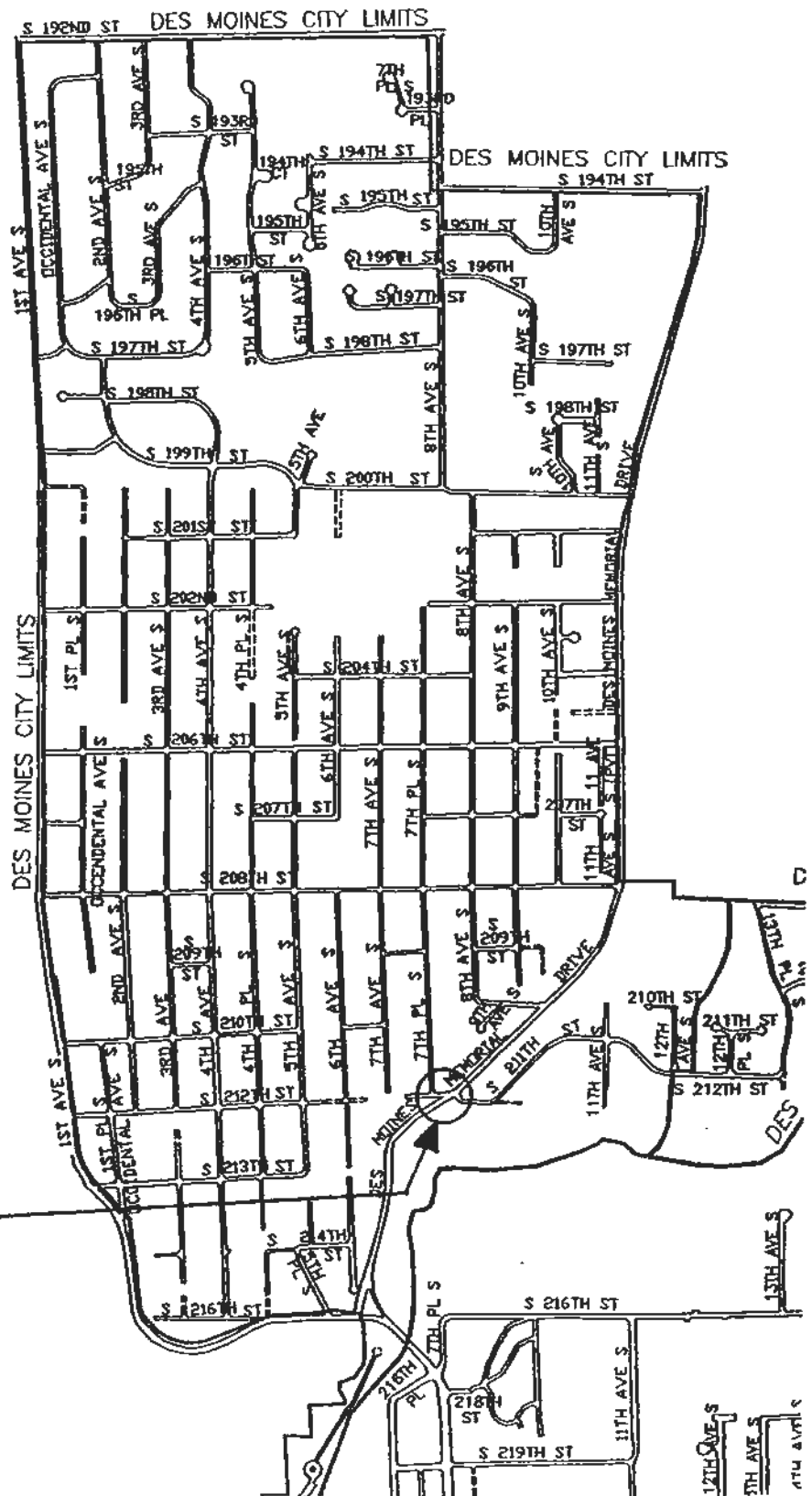
VICINITY MAP



NO SCALE

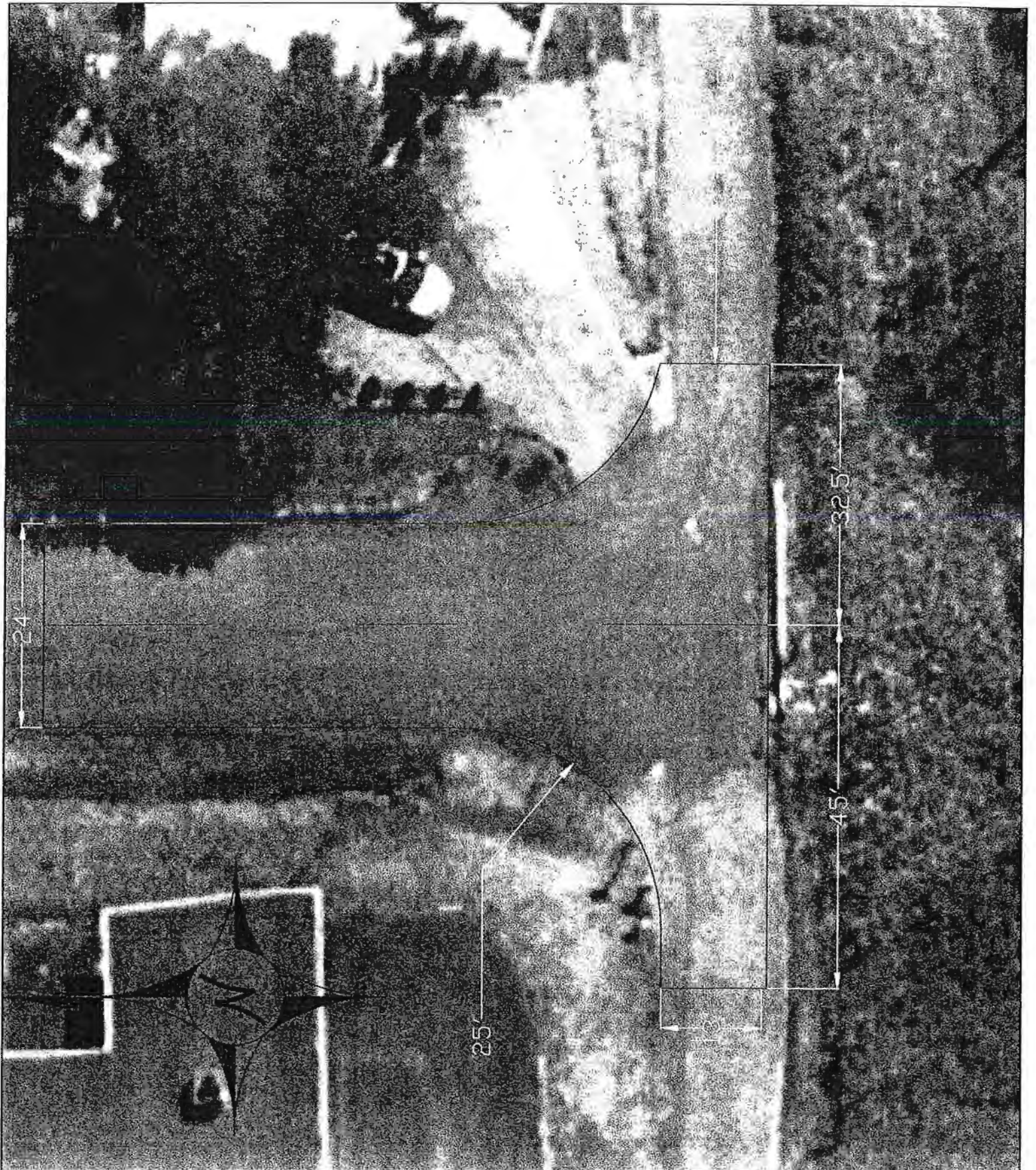


POTENTIAL CLOSURE
LOCATION



ATTACHMENT 2





ATTACHMENT 4

Field Inspection/Preliminary Recommendations for South 212th Street Washout

TO: Maiya Andrews/ City of Des Moines

COPIES: Roger Mason/CH2M HILL

FROM: Joel Theodore/CH2M HILL
Ken Green/CH2M HILL

DATE: February 5, 2004

At the request of the City of Des Moines, CH2M HILL inspected the slope failure site at South 212th Street and Des Moines Memorial Drive on Tuesday, February 3, 2004.

The purpose of the visit was to:

- Examine the existing field conditions
- Gain a better understanding of the conditions prior to and after the failure
- Assess the site and feasibility issues associated with repair of the damage areas

CH2M Hill representatives on site were Eric Haupt and Joel Theodore, and were accompanied by Maiya Andrews and Wayne Matthews of the City of Des Moines,

Site Conditions and Background

The site is characterized by a steep vegetated sidehill extending above Des Moines Memorial Drive, with houses, yards, driveways, and a very steep and narrow local access road that had been constructed on the steep hillside many years ago. The steep access road (South 212th Street) was washed out when an existing water main (that was buried in the road) burst in early January 2004.

Wayne Matthews provided a brief history of the site. He indicated that during the summer of 2003 a citizen in the area notified the City of water seeping onto this roadway. A City employee observed the seepage at that time and described the flow rate as about equivalent to that of a garden hose (approx, 5 gpm) coming from an area at the downhill end of the rockery wall, and near the base of the wall. The water seemed to originate either from the ground just below the rockery's downhill end or from the adjacent residence's property.

The City notified Highline Water District (District) of a potential water line leak in their 6 inch distribution line buried under the access road. The District tested the seepage for chlorine content and based on the lack of any chlorine concluded the water was not coming from a leak in their system. Water continued to seep onto the roadway during the fall and winter of 2003 then, on January 10th 2004, at about 6 PM, the City was called to the after the water main had burst. The water main breakage caused a severe wash-out of the steep local access road and affected the adjacent properties to a minor extent. Water from the pipeline eroded a large hole at the break and rapidly eroded the access road and subsoil. The District was called and shortly thereafter, they arrived to turn off the water main. Several

days later, the District crews began cleaning up the site and reconstructed the water main in about the same location and configuration as the old pipeline. At about the same time, the City replaced a storm drain line at the top of the local access road that had been washed out. The water line was replaced with a new 6-inch diameter ductile iron pipe.

After replacement of the water main, the damaged area was covered with plastic sheeting to shed surface water/rainfall off the site. We pulled back the plastic sheeting enough to examine the subsoil conditions. Several feet of soil had been washed away in the vicinity of the break and it was noted that a rockery wall for adjacent residence had partially failed. Several rocks from the wall had fallen away and were missing. The wall appeared to be substandard in design. The rocks were generally smaller than typical required for a wall of this size (6 to 8 ft high) and there did not appear to be much, if any, drainage material behind the wall. In addition, an open end of a 4 inch corrugated plastic drain line was located on the downhill end of the wall at about the wall's mid-height. The drain line originated from the adjacent private residence.

Much of the physical evidence of the pre-existing conditions had been washed away by the water from the broken water main and by clean-up repair activities associated with replacement of the water main. No seepage water was observed during our site visit and Wayne indicated that since the water main had been repaired, the seepage had apparently stopped. There had apparently been no history of slope movement or other signs of hillside instability.

From our field investigation, and understanding of the history of the site, it appears that a leak from the water main may have resulted in erosion, eventually leading to complete failure of the water line and extensive erosion of the slope. It is not known to what extent water draining from the adjacent property may have contributed to the failure, but water seepage observed during 2003 coincides with the approximate location of observed drain lines emanating from the adjacent property owners yard. There was no evidence that slope instability might have been a causative factor in the failure.

Restoration of the Site

We were asked to provide a preliminary evaluation of the issues and requirements for constructing the site in a manner that provides a stable condition and restores the access road and hillside. The following are issues and activities that should be considered for restoring the site.

Surveying

Site survey will be required to provide topography and property line/right-of-way boundaries. It is unclear whether the existing fences and retaining wall are located on private property or City of Des Moines right-of-way.

Geotechnical

Limited geotechnical investigation should be conducted to determine the strength and characteristics of the existing subgrade soils. Based on our preliminary review of conditions, we believe that the existing subgrade soils are adequate to reconstruct the road grade and support the retaining wall, however, the design for reconstruction needs to address proper drainage, construction techniques and construction monitoring to assure long term stability.

The replacement material should consist of high strength granular soils, densely compacted. The existing subgrade soil should be excavated and replaced if it does not meet these requirements. The replacement soils should be benched in the dense native foundation (subgrade soils) to form a firm base for all new construction. Any fill should be placed in horizontal lifts of controlled thickness, and densely compacted. Subsurface drainage in the fill should be provided to assure that seepage does not result in future instability of the steep slopes.

Retaining Wall

The existing retaining wall is unstable and needs to be removed and reconstructed. It appears that the rockery and drainage associated with the existing wall is substandard and should be improved. An engineered design should be provided and the wall should be replaced with a reinforced soil wall (MSE wall), soldier pile wall, or other engineered wall having suitable stability to retain the slope and applied loads at the top of the wall. This work would require the complete removal of the existing wall and adjacent backfill. It would also require removing of all or a portion of the private paved driveway adjacent to the top of the wall. The reconstruction should include subdrains and provision for control of groundwater/seepage, and verification of adequate foundation soils.

Fences

Some of the existing fences may need to be removed while performing the work, and then replaced after completion.

Water Main and other Utilities

It may be necessary to reconstruct the existing water main and any other utilities discovered depending upon the foundation conditions encountered.

Roadway

The existing grade (approx 24%) is too steep and too narrow (approx 12 ft) to meet City design standards for a public street of any classification.

Existing conditions include marginal or inadequate entering and stopping site distances, poor visibility due to skewed intersection angle with Des Moines Memorial Drive, inadequate vertical curve transition lengths, and inadequate width for two-way traffic. Attempts to remedy any of these deficiencies would require even steeper roadway grades and more extensive construction.

Further evaluation is quite likely to confirm that existing site constraints make it physically impossible to create a solution with an acceptable level of safety for a public street. Therefore, reconstructing the road would not be advisable.

If the road was closed, a vehicle turn-around at the top of the road should be considered. Widening requirements for such a turn-around would likely require a small retaining wall structure at the top of the existing access road.

approved w/ Direction to TONY
NEW BUSINESS
Item #1
not

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

City
attn
problem

SUBJECT:
Amended Airport Communities Coalition (ACC)
Interlocal Agreement

FOR AGENDA OF: February 26, 2004

DEPT. OF ORIGIN: Administration

ATTACHMENTS:

DATE SUBMITTED: February 19, 2004

Executive Committee Draft Interlocal Agreement,
Airport Communities Coalition

CLEARANCES:

☐ _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item to present to the City Council an amended Airport Communities Coalition Interlocal Agreement for review and approval.

Suggested Motions:

"I move to approve the amended Airport Communities Coalition Interlocal Agreement as drafted and submitted by the ACC Executive Committee and to authorize the city manager to sign the Agreement substantial in the form as submitted."

"I move that the City Council approve the amended Airport Communities Coalition Interlocal Agreement with the following changes: _____ and further direct the City's representative to the ACC to present these changes to the Executive Committee for consideration by the Committee and the legislative bodies of the other ACC member agencies."

Background

In 1993, the Cities of Des Moines, Normandy Park, Burien, and Tukwila formed the Airport Communities Coalition (ACC) to pool resources to advance their collective interests in opposing the development of a third runway and other improvements at SeaTac airport and Boeing Field that would lead to increased air traffic, to improve mitigation of airport impacts in the cities, and to advance other viable solutions to dealing with the public transportation needs of the region. Since that time, the City of Federal Way and the Highline School have become members of ACC.

Discussion

The attached draft revision of the ACC interlocal agreement has been approved by the ACC Executive Committee and has been forwarded to the legislative bodies of each party for review and approval. The changes to the interlocal are, for the most part, structural in nature. The Executive Committee has been expanded to include, not only the appointed delegate for each party, but also each party's alternate, and each party's city manager/administrator. Each party still only has one vote at the Executive Committee that is to be cast by the representative, the alternate, or city manager/administrator in the event the two electeds are not available.

The draft revised interlocal agreement also creates an Administrative Committee, made up of the city managers/administrators (or their designees) of each party. Creating this Committee formalizes the Technical Committee that has been working on various ACC issues for the Executive Committee for many years, but was never specifically created by the interlocal.

Another change in the revised interlocal is the addition of two new activities in which the ACC will engage. The first is to "Coordinate development of an ACC mitigation proposal that would fairly consider the varied impacts of the existing airport operations and third-runway expansion upon the ACC communities." The second is to "Coordinate meetings with the Port of Seattle to seek to minimize the impacts and to mitigate all present and future impacts to ACC communities."

The rest of the changes to the revised interlocal are essentially changes to clarify sections of the interlocal that were confusing or poorly written and to organize the interlocal to make it easier to follow.

Alternatives

The Council may choose to approve the draft revised interlocal as submitted, reject some changes, request other changes not included in this draft, or elect to leave the interlocal agreement as it is currently written.

Recommendation

None.

Concurrence

None.

INTERLOCAL AGREEMENT, AIRPORT COMMUNITIES COALITION
January 1, 20024 through December 31, 20024

In accordance with the Interlocal Cooperation Act (Revised Code of Washington, Chapter 39.34) the City of Normandy Park, the City of Des Moines, the City of Burien, the City of Federal Way, the City of Tukwila, and the Highline School District (hereafter the "Parties"), each of which is a Washington Municipal Corporation hereby enter into the Agreement set forth.

RECITALS

1. The presence and operations of Sea-Tac Airport affect fundamental economic, social, physical and environmental characteristics of each Party.

2. The Parties believe that the presence of Sea-Tac Airport and other regional transportation facilities such as Interstates 5 and 405 and State Routes 509 and 518 and eventually a regional transportation rail line can have either negative or positive effects on the members depending on the manner in which adverse impacts are addressed.

3. The Parties hereto have expressed their opposition to the development of a third runway, and other system improvements leading to increased air traffic at Seattle-Tacoma International Airport and Boeing Field.

4. The Parties further believe that regional public transportation needs must be resolved on a regional basis and that only equitable solutions to those needs should be adopted. Additional air traffic at Seattle Tacoma International Airport and Boeing Field does not constitute equitable or responsible regional solutions. Equitable solutions are those which recognize that the impacts and the benefits of transportation projects are often not realized in the same community, therefore necessitating an attempt to equalize that disparity among affected communities.

~~5. _____~~ ~~5. _____~~ The Parties believe that a collective effort, including the pooling of resources and the execution of this Agreement to express ~~and express and~~ administer policy matters, is the most effective and expeditious method of achieving the goals stated herein.

6. The Parties agree to promote the following goals:
 - A. To stop the construction of any additional runways at Seattle-Tacoma International Airport.
 - B. To achieve proper noise mitigation of schools with associated air quality and temperature controls.
 - C. To limit or reduce the number of flight operations in King County, at both Seattle-Tacoma International Airport and at Boeing Field, to a specific level and to eliminate night flights from 10:30 p.m. to 7:00 a.m.
 - D. To limit expansion of airport facilities in King County, at both Seattle-Tacoma International Airport and at Boeing Field, in order to prevent a significant increase in the number of flight operations which is likely to have substantial, adverse environmental impacts.
 - E. To seek revisions to the ~~Four Post Plan~~ Plan, which accommodate community concerns about overflights, including those which produce noise in areas outside the 65 dB DNL contour.
 - F. To develop and promote equitable solutions to regional transportation needs on a regional basis, working to develop mutually beneficial partnerships and agreements that promote economic development and protect the environment.
 - G. To improve abatement and mitigation of airport impacts on the Highline School District and member cities to this agreement.
 - H. To ensure that all past, present and future impacts from operations at Sea-Tac Airport and Boeing Field are fully mitigated. To support fair distribution among ACC members of public dollars for the mitigation of impacts from operations of Sea-Tac Airport and Boeing Field.
 - I. To participate in efforts to plan effectively, site appropriately and fully mitigate any regional surface transportation projects including RTA and extensions or improvements to State Routes 509 and 518, and I-5 and I-405.
 - J. To create an economic, political and social climate in which the parties can realize meaningful benefits from being neighbors of Sea-Tac Airport and Boeing Field and other regional surface transportation facilities which are consistent with the community objectives of these parties.

K. Such other and further related goals as may be determined by the Executive Committee.

NOW THEREFORE THE PARTIES HEREBY AGREE AS FOLLOWS:

I. DEFINITIONS AND USAGES

A. Each of the parties hereto shall be referred to as "Normandy Park", "Des Moines", "Burien", "Tukwila", "Federal Way", Highline School District or such other public agency as may be admitted.

B. "Airport Communities Coalition" hereinafter referred to as "ACC" is the entity created by this Interlocal Agreement.

C. "Executive Committee" means the assembly of representatives from the parties hereto, comprised of ~~the Mayor, and one~~ representative, ~~and or one~~ alternate, ~~and the City Manager or City Administrator, or designee~~ from each party hereto, the function of which is to administer the policy and purposes of this Agreement. Any member of the Executive Committee present may represent their jurisdiction when voting. Representatives and alternates shall be selected annually by each party's legislative body from among its elected officials. Voting on the Executive Committee shall be as set out in Definition H ("participation") below.

D. "Chair" means the presiding member of the Executive Committee, who shall be an elected official ~~elected~~ selected by the other representatives of the Executive Committee.

E. "Vice chair" means the elected official ~~member~~ of the Executive Committee who shall perform the duties of the Chair in his or her absence and who shall be selected by the other representatives of the Executive Committee. ~~to preside in the absence of the chair.~~

F. "Treasurer" means an elected member ~~of~~ the Executive Committee who shall be selected by the other representatives of the Executive Committee and who shall be responsible for reviewing and keeping the Executive Committee informed about the financial activities of the ACC and report to the Executive Committee on the yearly audit.

G. "Administrative Committee" means the a committee composed of each party's City Manager or Chief Administrative Officer, or her/his designee. of the parties to this agreement. The Administrative Committee will select a Chair and Vice

~~Chair to coordinate and chair the meetings~~ ~~sits meetings and~~ ~~establish meeting~~ ~~agendas, and follow will follow the policies and procedures as assigned~~ ~~directed by the~~ ~~Executive Committee are followed.~~ The Administrative Committee shall develop a proposed annual budget for the Executive Committee; recommend operating policies and procedures to the Executive Committee as needed; develop an annual ACC work plan for Executive Committee consideration; coordinate the annual ACC retreat in cooperation with ACC staff, and provide recommendations as needed by the Executive Committee.

G.H. "Participate" or "participation" means the right of a party to vote on any matter submitted to the Executive Committee for a vote, upon payment of the minimum financial contribution specified hereunder. Each party shall have one vote to be cast by each party's representative or, in the representative's absence, by the alternate and in the absence of both elected officials, by the City Manager, Administrator, or designee.

H.I. "Public agency" means the ACC member cities and school district(s) impacted by the operation of the Sea-Tac Airport (see Eligibility Section).

I.J. "Operating expenses" means financial obligations, enforceable in law or equity, which have been incurred by the Executive Committee.

II. UNDERSTANDING AND PURPOSES

A. The Parties understand and agree to promote the goals set forth in the Recitals above and such other goals and policies as are determined by the Executive Committee~~tt~~.

B. The Parties agree and understand that they will rely on the Executive Committee's faithful and responsible representation of the parties' collective and individual interests in making decisions under this Agreement that mutually benefit the parties. The Executive Committee will consult with the parties to approve an annual work program and budget.

C. In furtherance of this Agreement the parties will:

1. Establish and maintain clear lines of communication through their representatives on the Executive Committee.

2. Coordinate participation in continued planning and environmental review processes concerning air transportation and environmental

matters arising therefrom, both as to existing facilities, surface transportation projects or planned alternatives.

3. Prepare for and undertake litigation or other actions that may be required in order to further the parties' common objectives.

4. Conduct meetings of the Executive Committee in order to carry out necessary and proper functions of ACC as set forth herein.

5. Establish and fund a budget, with amendments thereto as necessary in order to carry on the activities of ACC. This operating fund shall be known as the "Operating Fund of ACC Executive Committee Joint Board."

6. The Executive Committee shall not acquire any real property. Personal property shall be acquired as necessary to carry out the purposes of this Agreement.

7. Coordinate development of an ACC mitigation proposal that would fairly consider the varied impacts of the existing airport operations and third-runway expansion upon the ACC communities.

8. Coordinate meetings with the Port of Seattle to seek to minimize the impacts and —to mitigate all present and future impacts to ACC communities.

III. DURATION AND CONDITIONS OF WITHDRAWAL

~~This~~A. This Agreement ~~may~~ ~~may~~ be reviewed annually but shall remain in full force and effect from January 1, 2004² unless terminated or modified by separate agreement, pursuant to Section X.A., so long as at least two Parties continue the operation of this Agreement. Any party may withdraw from this Agreement prior to its expiration by delivering written notice to the Executive Committee. Following such notification the withdrawing party shall remain liable for the full amount of its obligation to the ACC Operating Fund, as set forth in Section VII.A.

B. To assure compliance with each party's affirmative obligations set forth in section VIII.A, and to protect the confidentiality of the ACC's legal affairs, notice of a party's intent to withdraw from the ACC shall serve to immediately terminate the withdrawing party's right to participate in Executive Committee business, including votes. Further, a notice of withdrawal shall serve to eliminate the withdrawing party's

right to attend any executive session held by the ACC or any of its committees or subdivisions, specifically including the Executive Committee.

C. Upon a party's notice of withdrawal, such party shall not be entitled to a refund of any payment previously made to the Operating Fund unless all parties remaining to the Agreement unanimously determine to terminate this Agreement. Upon such termination, the remaining assets of ACC, if any, will be divided in proportion to the Parties' respective contributions to the Operating Fund to the date of termination, as set forth under Section VII below.

IV. ELIGIBILITY

~~Eligibility~~A. Eligibility to participate in this Interlocal Agreement ("ILA") shall be limited to any "public agency" as defined in the definition section of the ILA who demonstrates support for ACC's goals as outlined in the Recitals Section of the ILA. A public agency seeking to participate in this Agreement may be allowed to do so, upon approval of the Executive Committee, pursuant to the existing terms hereof and upon payment of an agreed amount by the member parties.

B. The Executive Committee by unanimous vote of all member parties may allow admission by a public agency on terms other than those set forth herein, including entitling said public agency to participate in ACC matters and specifically to vote on matters submitted to the Executive Committee.

C. The Executive Committee by unanimous vote of all member parties may allow admission by a public agency on terms other than those set forth herein, including entitling said public agency to participate in ACC matters but not entitling said public agency to vote on matters submitted to the Executive Committee. Any public agency so admitted shall be deemed an ex officio party hereto.

D. Admission of a public agency under the terms described in this section may be accomplished through separate agreement signed by all members and the agency being admitted.

V. CREATION OF AIRPORT COMMUNITIES COALITION (ACC) - EXECUTIVE COMMITTEE

A. There is hereby created the Airport Communities Coalition (ACC). This organization shall be a voluntary association of the parties hereto. ~~The association shall be governed by the Executive Committee~~Executive Committee shall govern the association. Membership, voting, and officers of the Executive Committee shall be as set out in Section I "Definitions and Usages" above.

~~The voting member of each party shall be duly selected annually by the legislative body of each party thereof.~~ legislative body of each party thereof shall duly select the elective member of each party annually. Each party shall similarly select an alternate voting member of the Executive Committee who shall serve in the absence of the votingelective member. Such alternate shall may be either an elected or appointed official of the party.

B. The Executive Committee shall approve, by unanimous vote of all member parties, decisions that are major policy decisions. Major policy decisions are defined as: 1) accepting or rejecting legal, financial or negotiated settlements, and 2) accepting new member applications or rejecting existing members. Prior to voting upon any negotiated settlement, all ACC Executive Committee members, or alternate(s) as the case may be, shall receive by governing Council or Board, resolutions from their respective jurisdictions authorizing approval or rejection of such ~~settlement which~~ settlement, which shall be binding upon said representatives. Any jurisdiction which fails to vote upon such resolution within 14 days of such proposed settlement shall be deemed to approve the vote or abstention of the representative to the Executive Committee. The Executive Committee shall ~~approve by~~ adopt by majority vote decisions concerning but not limited to the following, but not limited to: 1) to adopt and adoption and administration of a budget and work plan, 2) hiring or conclusion of consultantsing contracts, and 3) all other activities surrounding the daily operations of the ACC.

C. ~~When there are is an even number of voting members which members,~~ which results in a tie vote, the issue shall be remanded back to a smaller committee of the Executive Committee in an who shall attempt to resolve the issueit. This smaller committee will consist of one elected Executive Committee member each who voted for and against the contested measure and the ~~ACC Executive Director or another ACC staff persona~~ member of the Administrative Committee to be selected by the Executive Committee. This committee will be required to report back to the Executive Committee within two weeks with an alternative resolution.

D. Regular meetings of the Executive Committee shall be held as determined by the Executive Committee. The Executive Committee shall elect annually by majority vote a "chair" to conduct its meetings, and ~~may~~ shall similarly elect a "vice chair" to serve in the chair's absence and a "treasurer" to review the financial activities of ACC, all as described in Section I "Definitions and Usages". Neither the chair, vice chair nor treasurer shall forfeit, by virtue of their positions, any power vested in him/her and shall continue to preside at the pleasure of a majority of the voting members of the Executive Committee, and may be replaced at any time.

E. A quorum for the conduct of business by the Executive Committee shall be a majority. Notice of any special meeting shall be circulated to all members of the Executive Committee by the chair, or upon the written notice of a voting majority of the Executive Committee not less than twenty-four (24) hours before such meeting is scheduled. No action will be taken without a quorum and without an absolute majority of the eligible voting members of the Executive Committee voting in favor of the matter under consideration. Executive Committee members may attend meetings and vote telephonically as may be necessary for the orderly and timely conduct of business. Written notice of any special meeting may be waived as to any member who at the time of the meeting is actually present or who has filed with the chair a written waiver of notice. The parties further agree and understand that the ACC Executive Committee may have executive sessions under RCW 42.30.110(i).

VI. PROFESSIONAL SERVICES

A. The Executive Committee may, from time to time, retain legal or other professional assistance or contribute to the retention by one of the parties of legal or other professional assistance to carry out the purposes of this Agreement. A contract or engagement letter shall be provided for each consultant so retained, which contract or engagement letter shall subsequently be marked as an Exhibit and incorporated into this Agreement, subject to all terms herein. All such contracts may be reviewed and updated annually for modifications or termination.

B. Information and materials developed by providers of professional services, who are retained and are compensated pursuant to the provisions of this Agreement, shall be made available to each party to this Agreement which has borne its share of the cost of providing such services in the manner provided herein, and to all parties admitted to membership in ACC pursuant to the provision of Section IV.

VII. SHARING OF COSTS

A. In order to pay such fees, costs, and other expenses as are incurred by the Executive Committee on behalf of ACC, including costs incurred in connection with the retention of legal or other professional assistance, it is the intention of the parties to this Agreement that each party will make available to ACC consistent with the provisions herein, funds for ACC operating expenses as indicated in Attachment A:

B. Each party pledges its best efforts to approve appropriations providing for the sharing of costs specified in this Section VII, but no party shall be liable for any monetary assessment unless and until the governing body of such party has appropriated funds for such specific purpose.

C. In the event that one or more of the parties to this Agreement fail to contribute to the sharing of costs in the amounts set forth above and in a manner consistent with provisions of this Agreement, the party in default will refrain from further participation in the Executive Committee's business, and its rights pursuant to this Agreement shall be suspended.

issue was whether had right to participate in appeal - suspended + incur costs. Pate Eglide

D. In the event one or more parties fail to ratify this Agreement, or having initially ratified this Agreement, and thereafter defaults or withdraws from this Agreement, the cost sharing for any outstanding or future operating expenses shall be adjusted following the elimination of the party or parties on a basis proportional to the annual amounts set forth above in Section "A", adjusted to allow for any other parties admitted pursuant to Section IV but not included in Section "A", above, and; provided that the annual financial obligation of the remaining Party or Parties shall not exceed that amount set forth above in Section "A", unless modified by subsequent agreement hereto.

VIII. COOPERATION

A. Each of the parties participating in, or otherwise admitted to, this endeavor shall cooperate with the ACC Executive Committee. In that regard, each party hereto, whether involved by participation, admission, or otherwise, hereby covenants and agrees that, in the event of withdrawal, each such party shall not sue, harass, or in any form or manner interfere with the entity created by this Agreement or with any of the remaining parties, except as necessary to obtain the return of ~~the funds of~~ funds as provided in Section III. This covenant shall specifically prohibit the sharing of any information obtained in any manner, directly or indirectly, as a result of the withdrawing party's involvement in ACC or otherwise pursuant to this Agreement unless otherwise required by public records law.

B. To accomplish the intent and purposes of the ACC, the parties expressly understand that legal proceedings may be pursued in various forums on behalf of ACC members. The parties recognize that legal proceedings are costly and complex endeavors and that it is necessary to assure that legal efforts are not compromised due to internal disputes and/or funding concerns. In this light, the parties hereby express their intent that legal matters shall be pursued in a manner consistent with policies and directives issued by the Executive Committee. Following initiation of any legal action authorized by the Executive Committee and filed on behalf of any or all coalition members, the parties expressly agree that, during the term of this Agreement, such, such matters will be conducted, resolved and/or settled as directed by the Executive Committee. No party shall have authority to enter into any settlement or compromise of claims asserted by the ACC without the Executive Committee's

acceptance and unanimous approval of such settlement, unless such party has terminated its participation, pursuant to Section III.

IX. INDEMNIFICATION

A. In executing this Agreement, the ACC does not assume liability or responsibility for or in any way release the Parties from any liability or responsibility which arises in whole or in part from the existence, validity or effect of city ordinances, rules or regulations. If any such cause, claim, suit, action or administrative proceeding is commenced, the Parties shall defend the same at their sole expense and if judgment is entered or damages are awarded against the Parties, ACC, or both, the Parties shall satisfy the same, including all chargeable costs and attorneys' fees.

B. ACC shall indemnify and hold harmless the Parties and their officers, agents, volunteers and employees, or any of them, from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, which are caused by or result from a negligent act or omission of the ACC, its officers, agents, and employees in performing services pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the Parties or the Parties and ACC, ACC shall defend the same at its sole cost and expense; and if final judgment be rendered against the Parties and their officers, agents, and employees or jointly against the Parties and ACC and their respective officers, agents, and employees, ACC shall satisfy the same.

C. The Parties shall indemnify and hold harmless ACC and its officers, agents, and employees, or any of them, from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, which are caused by or result from a negligent act or omission of the Parties, their officers, agents, and employees. In the event that any suit based upon such a claim, action, loss, or damage is brought against ACC or the Parties and ACC, the Parties shall defend the same at their sole cost and expense; and if final judgment be rendered against ACC, and its officers, agents, and employees or jointly against ACC and the Parties and their respective officers, agents, and employees, the Parties shall satisfy the same.

X. MISCELLANEOUS PROVISIONS

A. This Agreement shall be effective upon ratification by at least two of the Parties admitted pursuant to Section IV above. This Agreement may be amended only upon consent of all parties thereto. Any amendment hereto shall be in writing.

B. The waiver by any party of any breach of any term, covenant, or condition of this Agreement shall not be deemed a waiver of such term, covenant, or

condition or any subsequent breach of the same of any other term, covenant, or condition of this Agreement.

C. Any party hereto shall have the right to enjoin any substantial breach or threatened breach of this Agreement by any other party, and shall have the right to recover damages and to specific performance of any portion of this Agreement.

D. This Agreement is solely for the benefit of the parties hereto and no third party shall be entitled to claim or enforce any rights hereunder except as specifically provided herein.

E. In all contractor services, programs or activities, and all contractor hiring and employment made possible by or resulting from this Agreement, ACC and the Parties shall abide by all federal, state, and local laws prohibiting discrimination.

F. The records and documents with respect to all matters covered by this Agreement shall be subject to audit by the Parties during the term of this contract and three (3) years after termination.

G. If any provision of this Agreement or application thereof to any party or circumstance, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement are declared to be severable.

H. This Agreement shall be effective whether signed by all parties on the same document or whether signed in counterparts.

I. This Agreement supersedes the Interlocal Agreement entered into ~~between the~~among the parties by signatures dated November and December 2000, and ~~and~~ January 2001.

passed

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Mayor's Appointments to the Human
Services Advisory Board and the Library Board

FOR AGENDA OF: February 26, 2004

DEPT. OF ORIGIN: Legislative

DATE SUBMITTED: February 18, 2004

ATTACHMENTS:

1. Human Services Applications
2. Library Board Applications

CLEARANCES:

[]
[]

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *[Signature]*

RECOMMENDED ACTION

It is recommended that Council approve the following motion on the Consent Calendar:

under
"Motion is to confirm Mayor Sheckler's appointments of Jill Patton and Florence McMullin to *two* ~~two~~ (2) year terms on the Human Services Advisory Board; and Barbara Lloyd McMichael to a three year term on the Library Board. All terms to be effective January 1, 2004."

SUMMARY STATEMENT

Currently two vacancies exist on the Human Services Advisory Board and one on the Library Board. The City Clerk dully posted and advertised for the vacancies, seeking candidates interested in appointment to the vacancies. At this time, Mayor Sheckler, is recommending the appointments of the above as individuals who will bring valued interest to the Boards.



CITY OF DES MOINES
APPLICATION FOR APPOINTEE OFFICE
21630 11th Avenue South
Des Moines, WA 98198

RECEIVED
Rec'd 23 Jul 8:51
CITY OF DES MOINES

Please Check

NAME: Florence McMullin
ADDRESS: 914 So 248th #10
CITY, ZIP: Des Moines 98198
PHONE: Home 206 878 9111 Work 0
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 13 yrs.
REGISTERED VOTER? yes
EMPLOYMENT SUMMARY LAST FIVE YEARS: Retired

- ☐ Civil Service Commission
☐ Planning Agency
☐ Library Board
☒ Human Services
☐ Senior Services

Are you related to anyone presently employed by the City or a member of a City Board? _____
If yes, explain: No

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? No If so, please describe: _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? I wish to serve my city in a meaningful way. I have experience fundraising for good causes and experience researching causes for personal contributions.

2. What problems, programs or improvements are you most interest in? Poverty, unemployment, domestic violence — in particular related to senior & children's needs

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. None



CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE
 21630 11th Avenue South
 Des Moines, WA 98198

Recvd _____

Please Check

NAME: Jill Patton
 ADDRESS: 20020 3rd Ave S
 CITY, ZIP: Des Moines, 98198
 PHONE: Home 840-1518 Work 248-4903
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 2 years
 REGISTERED VOTER? yes

- ☐ Civil Service Commission
☐ Planning Agency
☐ Library Board
☒ Human Services
☐ Senior Services

EMPLOYMENT SUMMARY LAST FIVE YEARS: I work as a Therapeutic
Pre-school teacher at Childhaven. I have worked
there for almost 3 years. Before that I was a
Student at CACI. I graduated in 2001 with my BA.

Are you related to anyone presently employed by the City or a member of a City Board? NO
 If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? NO If so, please describe _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? Please see
following Page.

2. What problems, programs or improvements are you most interest in? I am interested
in all Human Services, no specific Program at this
time

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.
None

0 www.desmoines.apoffice.doc

email address: JillP@childhaven.org

- 1 I would like to serve on the Human Services Advisory Committee because I am interested in getting involved in my community. I am also very interested in human services; I believe that I have skills and education in this field and could benefit the city of Des Moines. I graduated from Central Washington University with a major in Family Studies and a minor in Sociology. I am currently working as a therapeutic pre-school teacher at Childhaven with three-year old children. I feel that with the skills and knowledge that I have gained by working with these families has helped me to see what a community wants and also what they need. I would take pride in being part of a committee that makes decisions that will benefit our community.

Thank you,



Jill Patton

CITY OF DES MOINES
APPLICATION FOR APPOINTEE OFFICE
21630 11th Avenue South
Des Moines, WA 98198

RECEIVED

Recvd 12-11-03 9:11

CITY OF DES MOINES

Please Check

NAME: NOVA G. JONES

ADDRESS: P.O. Box 13355

CITY, ZIP: DES MOINES, WA 98198

PHONE: Home 253 839-7964 Work SAME

LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 25 YRS

REGISTERED VOTER? YES

- ☐ Civil Service Commission
☐ Planning Agency
☐ Library Board
☒ Human Services
☐ Senior Services

EMPLOYMENT SUMMARY LAST FIVE YEARS:

2000 - PRESENT RETIRED

1969 - 1999 SEATTLE KING COUNTY DEPARTMENT of Public Health (Regional Administrator)

DURING THE PERIODS AUG - DEC OF 2000, 2001, 2002 & 2003 WORKED AS A
LOANED EXECUTIVE FOR THE KING COUNTY EMPLOYEES CHARITABLE CAMPAIGN

Are you related to anyone presently employed by the City or a member of a City Board? NO

If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? NO If so, please describe:

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? MY ENTIRE WORKING CAREER HAS BEEN DEVOTED TO HEALTH & HUMAN SERVICES. I FEEL I HAVE A REASONABLY SOUND GRASP OF HUMAN SERVICES NEEDS. I'M NOW IN A POSITION WHERE I WOULD LIKE TO GIVE BACK TO MY COMMUNITY AND FEEL I HAVE THE BACKGROUND TO ADVOCATE FOR HUMAN SERVICES IN OUR COMMUNITY.

2. What problems, programs or improvements are you most interest in? I Am interested in PARTICIPATING in the HUMAN SERVICES Advisory Committee

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.

NONE

email - ngj7@aol.com

P.O. Box 13355
Des Moines, WA 98198

January 16, 2004

Sue Padden, Manager Senior Services
City of Des Moines
21630 11th Avenue South
Des Moines, WA 98198

Dear Ms. Padden:

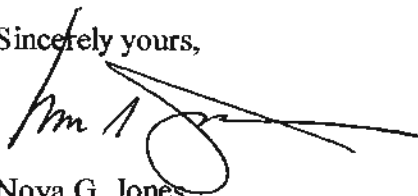
It was a pleasure talking with you this morning and learning a little more about the Human Services Advisory Committee. I have enclosed the Application For Appointive Office (hopefully this is the right one) for your consideration in appointing me to the Advisory Committee.

I mentioned to you I am retired from Public Health, Seattle and King County. I held a variety of progressively more responsible positions, finishing my career as a Regional Administrator. I was responsible for the provision of all personal and environmental health and human services in the Central Region of the Health Department. I have been involved with planning for, implementing, and evaluating health programs and projects providing essential services to communities in need. Many of our programs were innovative and progressive. I have always been concerned with needed services being provided and available to our citizenry in a culturally sensitive and cost effective manner. I have had the good fortune to work with a variety of agencies within King County providing a wide range of services.

It is my desire to give back to my community and would like to have the opportunity to do so through work on this Advisory Board.

I would like to thank you in advance for considering my application and look forward to hearing from you.

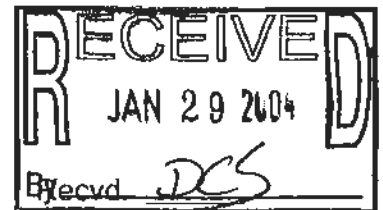
Sincerely yours,

A handwritten signature in black ink, appearing to read 'Nova G. Jones', with a long, sweeping horizontal line extending to the right.

Nova G. Jones



CITY OF DES MOINES
APPLICATION FOR APPOINTEE OFFICE
21630 11th Avenue South
Des Moines, WA 98198



Please Check

Rev: Ann Berney
NAME: Ann Berney
ADDRESS: 1010 S. 121st
CITY, ZIP: Des Moines, WA 98198
PHONE: Home (206) 878-3990 Work (206) 878-8301
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 2 1/2 yrs.
REGISTERED VOTER? Yes
EMPLOYMENT SUMMARY LAST FIVE YEARS:
Des Moines United Methodist Church - Senior Pastor
Riverton Park United Methodist Church - Pastor (Tukwila, WA)

- ☐ Civil Service Commission
☐ Planning Agency
☐ Library Board
☒ Human Services
☐ Senior Services

Are you related to anyone presently employed by the City or a member of a City Board? _____
If yes, explain: NO

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? NO If so, please describe:

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? _____

2. What problems, programs or improvements are you most interest in? _____

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.

None

Email annberney@earthlink.net

HUMAN SERVICES APPLICATION

1. I would like to work with others to help facilitate meeting basic needs of our community. I have a keen interest in the Human Services of Des Moines as a church pastor and leader of the church where the Des Moines Area Food Bank began and is now housed, for daily here we interface with many struggling local people and their needs. As well as a passion for people's dignity, I can contribute recent experience--having worked in the City of Tukwila with their Human Services in a non-official way and was part of the founding team of the Tukwila Food Pantry. I also directed the development of a community garden (of approximately 60 plots) to provide garden space and neighborhood interaction in a growing ethnically mixed neighborhood. My experience has taught me how to work with all kinds of people, and how to carefully examine and address human needs from many aspects. It has also helped me learn ways to get various groups (city, schools, churches) to work together for the enhancement of life for the people in our community.
2. I would like to come to a better understanding of the Human Services work of the City of Des Moines, and to participate on a team of people interested in seeing how our community work might be strengthened.

ANN BERNEY



CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE
21630 11th Avenue South
Des Moines, WA 98198

Recvd.
RECEIVED

04 JAN 29 AM 8:51

CITY OF DES MOINES
Please Check

NAME: Barbara Lloyd McMichael
ADDRESS: 22810 Thunderbird Drive
CITY, ZIP: Des Moines 98198
PHONE: Home 206-878-6912 Work same
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 5 years
REGISTERED VOTER? yes

- ☐ Civil Service Commission
☐ Planning Agency
☒ Library Board
☐ Human Services
☐ Senior Services

EMPLOYMENT SUMMARY LAST FIVE YEARS: Self-employed since 1994 as
The Bookmonger, I have a column in which I review Northwest books
for papers including The Olympian and The Bremerton Sun. I also
regularly write freelance reviews for The Seattle Times

Are you related to anyone presently employed by the City or a member of a City Board? no
If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? no If so, please describe: _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? A strong public library system is one of the cornerstones of a vibrant and flourishing democratic society. As a frequent library patron, I have experienced the way the system works and offer constructive feedback, as well as time and enthusiasm.
2. What problems, programs or improvements are you most interest in? While I appreciate that the new automated checkout system is meant to enhance efficiency, I am concerned that it reduces contact with library staff, which may lead to a shift in the library's ambience. To ensure that the library remains a place that welcomes the respectful exchange of ideas, I would be an advocate for creative public outreach, for more book discussion events, for a strong ESL program, and for more opportunities for English-speaking patrons to be exposed to foreign languages, and for a
3. Please list any Des Moines elective/appointive offices you have run/applied for previously. none

ATTACHMENT 2

→ concerted and ongoing effort to provide opportunities (and books!) that demonstrate the role that civics plays in all of our lives.



CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE
21630 11th Avenue South
Des Moines, WA 98198

Recvd. _____

Please Check

NAME: Denise DeLaFontaine

ADDRESS: 26407 Cambridge Dr

CITY, ZIP: Kent 98032

PHONE: Home 253 852 1128 Work _____

LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 27 years

REGISTERED VOTER? yes

- ☐ Civil Service Commission
☐ Planning Agency
☒ Library Board
☐ Human Services
☐ Senior Services

EMPLOYMENT SUMMARY LAST FIVE YEARS: Presently employed with the King County Library System at the Woodmont Library. Formerly I was a paralegal with the Law Offices of John W. Lundin, P.S. for four years.

Are you related to anyone presently employed by the City or a member of a City Board? No!
If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? No If so, please describe: _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? I am employed with the King County Library System and the President of the Friends of the Woodmont Library, a volunteer organization which supports the Woodmont Library and its services. I have also substituted as a Library Assistant at the Des Moines Library and am familiar with its services. I would like to be influential on the improvements and expansion of these branches, in particular.

2. What problems, programs or improvements are you most interest in?

As stated above, improvements to the services and facilities of the two Des Moines area libraries. The South end libraries have historically been shortchanged by the library system. We need a greater voice.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.

None

passed as amended

VP

AGENDA ITEM

See marks of changes

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Municipal Finance -
Centralizing responsibility and authorizing the
Finance Director to establish and maintain imprest
cash funds policies

FOR AGENDA OF: February 26, 2004

DEPT. OF ORIGIN: Finance

DATE SUBMITTED: February 19, 2004

CLEARANCES:

☒ Finance *pl*

☒ Legal *Law*

ATTACHMENTS:

- Draft Ordinance No. 03-079
- Attachment A - Imprest Cash Funds - Draft Policy & Procedure
- Petty Cash Reimbursement Form

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *AT*

Purpose and Recommendation

Adoption of Draft Ordinance No. 03-079, establishing a new Imprest Cash Funds Chapter of the Des Moines Municipal Code as recommended by the State Auditor, and repealing the existing DMMC Chapter 3.60 concerning Petty Cash.

Suggested motions:

First Motion: "I move to suspend Rule 26(b) in order to adopt Draft Ordinance No. 03-079 on first reading."

Section Motion: "I move to adopt Draft Ordinance No. 03-079, establishing a new Imprest Cash Funds Chapter of the Des Moines Municipal Code as recommended by the State Auditor, and repealing the existing DMMC Chapter 3.60 concerning Petty Cash.."

Background

The existing Des Moines Municipal Code Chapter 3.60 establishes the authority and requirements for the administration of petty cash. Chapter 3.60 details petty cash accounts assigned to departments with maximum dollar amounts. Flexibility in administering the petty cash accounts is limited by the Code. Increases or decreases to individual petty cash accounts must be by ordinance. Custodians for each petty

cash account are appointed by the City Manager. Besides petty cash accounts, there are change funds, and police investigative funds.

Creation of a new "Imprest Cash Funds" ordinance would include all of the previous designations. Imprest is defined as "an advance or a loan of funds, especially for services rendered to a government." The Finance Director is authorized to create an imprest cash funds policy and procedure to provide policy guidelines for the use of imprest cash funds. A copy of the policy and procedure is to be maintained by the City Clerk in order to make the current policy always available to the public.

Discussion

The Washington State Auditor's Office has recommended during the 2002 audit that the city centralize responsibility with the Finance Director, rather than the City Manager, for imprest cash funds. This ordinance creates a centralized Imprest Cash Fund, in a total dollar amount not to exceed \$8,000. This ordinance would also authorize the Finance Director to draft policy and procedure to operate and maintain imprest cash funds. The attached Draft Policy establishes three funds: petty cash, change, and investigative funds, and establishes the dollar amounts and use of each of these individual funds within various city departments. As the need for these funds change, the Finance Director would draft new policy and procedure to increase or reduce the dollar amounts accordingly.

This ordinance authorizes the Finance Director to establish written policy and procedure to create these funds within city departments, in a total dollar amount not to exceed \$8,000. The City's current imprest cash funds total \$5,200. Of this amount, \$3,000 is for the police investigative fund. The additional amount would provide flexibility in administering the individual funds.

The draft policy encourages employees to use petty cash for reimbursements in a dollar amount not to exceed \$30.00 per transaction. This would eliminate the need to process and issue employee reimbursement checks for amounts less than \$30.00, thus saving the city the time and money spent to process these checks.

Alternatives

Do not create a new "Imprest Cash Funds" Chapter of the Des Moines Municipal Code. The Washington State Auditor's Office's has addressed this issue as a recommendation only.

Financial Impact

By use of a Finance Director policy to govern these funds, the cost to write and pass an ordinance each time a dollar amount increases or decreases in imprest cash funds would be eliminated.

Staff believes it is efficient and necessary for city departments to make purchases for inexpensive office supplies and operational expenses. As the need occurs, petty cash could be increased to accommodate employees' reimbursements, thus eliminating the need for the processing and issuing of checks, saving both time for the finance department staff, and the money spent on the check processing supplies; checks, vouchers, envelopes, toner, etc.

As the need occurs, change funds could be increased to accommodate increased business, change of business practices, increased fees, etc., eliminating the need for cashiers to make unnecessary trips to the bank to obtain change.

Recommendation/Conclusion:

It is recommended that the City Council adopt Draft Ordinance No. 03-079.

Concurrence

The Washington State Auditor's Office.

CITY ATTORNEY'S FIRST DRAFT 02/19/04

DRAFT ORDINANCE NO. 03-079

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, relating to municipal finance, creating imprest cash funds, authorizing the Finance Director to establish policies for creation and operation of such funds, creating a new chapter in Title 3 DMMC entitled "Imprest Cash Funds," and repealing chapter 3.60 DMMC.

WHEREAS, on September 14, 1995, the City Council passed Ordinance No. 1144 establishing petty cash accounts for City departments, and

WHEREAS, on April 22, 1999, the City Council passed Ordinance No. 1234 amending petty cash fund amounts for the Municipal Court, and

WHEREAS, Ordinance No. 1144 and chapter 3.60 DMMC only address petty cash funds, and

WHEREAS, the petty cash fund is a type of imprest fund, as are change and investigative funds, and

WHEREAS, current funds and policies are in need of reorganization and should address various imprest funds, and

WHEREAS, the Washington State Auditor's Office recommends that the responsibility for establishing and maintaining imprest funds be centralized, and

WHEREAS, in response to the Washington State Auditor's Office recommendation, the City Council wishes to establish imprest cash funds in a total amount not to exceed \$8,000.00, and

WHEREAS, the City Council finds that this ordinance is appropriate and necessary for the preservation of the public health and welfare; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Imprest cash funds created - Purpose. There is created and established imprest cash funds. The amount of the funds is to be no greater than Eight Thousand Dollars (\$8,000.00), with the exact amount of the funds to be determined by the Finance Director's written policy and procedure governing the funds. The purpose of the imprest cash funds is to make change for City customers, make small office and operational purchases, and to fund police department investigative purchases.

Sec. 2. Policy and Procedure Authorized. The Finance Director is hereby authorized and directed to establish written policy and procedure for the creation and operation of said imprest cash funds. *Such written policy & procedure shall be approved by the City Manager.*

Sec. 3. Policy and Procedure Available to Public. A copy of the imprest cash funds written policy and procedure is maintained by the City Clerk and will be made available to the public upon request.

Deleted **Sec. 4. Policy and Procedure as of Date of Enactment.** A copy of the Imprest Cash Funds written ~~policy~~ and procedure effective as of the date of enactment of this ordinance is attached hereto as Attachment "A" and is incorporated herein by reference.

4. **Sec. 5. Repealer.** The previously codified provisions of chapter 3.60 DMMC and sections 46 through 51 of Ordinance No. 1144 as amended by section 1 of Ordinance No. 1234 are hereby repealed.

5. **Sec. 6. Codification.** Sections 1 through 3 of this ordinance shall be codified in Title 3 DMMC as a new chapter entitled "Imprest Cash Funds".

6. **Sec. 7. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Ordinance No. ____
Page 3 of ____

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 8. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2004 and signed in authentication thereof this ____ day of ____, 2004.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

DRAFTORD:03/079

4. Ensures all transactions are detailed on the Petty Cash Reimbursement form and supported by receipts. (Exceptions to receipts are mileage, parking at a meter or at a lot with a drop box.)
5. Ensures that requestor signs for cash reimbursement in person.
6. Reconciles imprest cash funds and submits for reimbursement (exceptions are for police investigative fund) not less than once per month. Police investigative funds must be reconciled monthly and submitted for reimbursement once a year.
7. Submits reimbursement reconciliation request to Accounts Payable in accordance with Section 6.1.2.
8. Ensures that imprest cash funds are kept in a safe place.

2.5 Receipts must be submitted as soon as possible, but in no event should it be more than 30 days after the expenditure.

2.6 No personal checks will be cashed out of imprest cash funds.

2.7 Change of fund custodian must be reported to the Finance Department upon delegation.

3.0 REFERENCES

N/A

4.0 SCOPE

This imprest cash funds' policy and procedure applies to all employees within all City departments requesting reimbursement for incidental expenses purchased, or travel expenses incurred while conducting City business.

5.0 DEFINITIONS

5.1 The term PETTY CASH refers to a small fund of cash available to be used to reimburse employees for incidental expenses.

5.2 The term CHANGE FUND refers to cash available to make change for a customer engaged in a cash transaction during the course of business conducted here at the City.

5.3 The term INVESTIGATIVE FUND refers to cash available to be used by undercover police investigations.

6.0 PETTY CASH PROCEDURES

6.1 To be reimbursed, the employee must complete and sign a Petty Cash Reimbursement form together with paid receipts or other evidence of payment.

6.1.1 A Petty Cash Reimbursement form will be completed with all required information and account coding and proper approvals. Invoices or receipts are required for all reimbursements, regardless of dollar amount, except for mileage and parking at a meter or a lot with a drop box. Reimbursements for mileage must be accompanied by a print out of Mapquest or mileage log documenting the mileage. The individual listed and receiving the reimbursement must sign the Petty Cash Reimbursement form upon receipt of the cash.

DRAFT

6.1.2 Each imprest cash fund custodian will reconcile the imprest cash fund at a minimum monthly to reimburse the fund in order to record the transactions in the proper accounting period. The exception is that the police investigative fund be reconciled monthly and submitted at a minimum annually to record the transactions in the proper accounting period. The reimbursement request is forwarded to Accounts Payable in the Finance Department to be processed on the next available check run.

DRAFT

POLICY AND PROCEDURE
SUBJECT: IMPREST CASH FUNDS
EXHIBIT 1

	CITY OF DES MOINES	PETTY CASH REIMBURSEMENT FORM
Amount: \$ Name: Date: / / Purpose: _____ Account No:		Department/Division Authorization (Please print authorized name) (Authorized signature)
I certify under penalty of perjury that the above costs were incurred by me on behalf of the City of Des Moines. Signature for receipt of cash:		

Linda

AGENDA OF 2/26/04

ATTACHMENT TO:

NEW BUSINESS ITEM #1

ATTACHMENT A

Invoices will be sent quarterly in advance for payment
in equal installments or in total.

City of Normandy Park	\$ 70,000 per year for 2004
City of Burien	\$ 70,000 per year for 2004
City of Tukwila	\$ 50,000 per year for 2004
City of Federal Way	\$ 10,000 per year for 2004
City of Des Moines	\$ 70,000 per year for 2004

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 12, 2004

At 7:30 p.m. City Manager Piasecki announced that City Council is in an Executive Session that is expected to last another 10 minutes.

At 7:40 p.m. the regular meeting of the Des Moines City Council was called to order by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Thomasson.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen and Maggie Steenrod. Absent: Councilmembers Dan Sherman and Susan White. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Acting Public Works Director Maiya Andrews, Assistant City Engineer Loren Reinhold, Civil Engineer Mike Holmes, Land Use Planner Celeste Carlson and City Clerk Denis Staab.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Petersen and passed unanimously, to excuse Councilmembers Sherman and White.

COMMENTS FROM THE PUBLIC

George Minnich, 22701 19th Avenue South

Mr. Minnich informed Council that he lives across the street from Mt. Rainier Pool. He stated that parking problems are an issue during events at the Pool. He advised that cars are blocking neighborhood driveways and that he has had mail stolen. He requested police enforcement in the area. He stated that the high school parking lot is locked during Pool events which adds to the parking problems.

Al Furney, 24718 Marine View Drive

As a member of the Regional Commission on Airport Affairs Technical Committee, Mr. Furney, presented Council with written material reflecting questions and concerns regarding new business items 1) South King County Ground Water Management Plan, and 2) Des Moines Creek Basin Committee Interlocal Agreement. In particular he requested that more time be allowed to study the Des Moines Creek Basin Plan documents and to allow public review and comments prior to final action by the City Council.

Mayor Sheckler informed Mr. Furney that he is aware of his concerns and will be working with the City Manager on these issues.

BOARD & COMMITTEE REPORTS

Economic Development Council

Councilmember Steenrod reported attending the EDC meeting on February 5th. She advised interesting topics discussed included:

- Housing & Urban Financing that is available. Will distribute information to staff.
- South King County Economic Development Task Force hosted an Import/Export Symposium. An attempt is being made to get information out to businesses regarding exporting
- City of Kirkland has entered into a contract with a company that is putting information on the internet regarding availability of commercial land, buildings, demographics, etc. to promote businesses to locate in Kirkland.

In regards to using the internet to promote the City, she noted that she hopes to bring more detailed information to Council in the future.

Public Safety and Transportation Committee

Mayor Pro Tem Thomasson reported that the Committee met last Thursday. He noted that discussion regarding the potential closure of South 212th has been forwarded to Council for consideration and as requested a Public Hearing on the matter will be held this evening.

The Committee also discussed speed limits, in particular, 16th Avenue South where a speed limit has not been determined since street was annexed into the City. They also discussed the speed limit issue on South 216th. He advised Council that a draft ordinance will be coming to the Council as a whole to deal with these issues.

PRESIDING OFFICER'S REPORT

Airport Communities Coalition

Mayor Sheckler reported attending the monthly ACC meeting last Wednesday. Discussion was held regarding a new interlocal agreement between the member cities and the Highline School District. This agreement should be ready within the next month.

He noted that elections of officers was held and he was elected as Chair, Stu Creighton as Vice Chair and Jim Haggerton as Treasurer.

ADMINISTRATION REPORTS

Congressman Adam Smith

City Manager Piasecki advised that Congressman Smith would like to attend a Council meeting to talk about what is going on in Washington, DC and to discuss any issues or concerns that Des Moines may have. This is tentatively schedule for the May 27th Council meeting.

Redondo Construction

City Manager Piasecki informed Council that the work on the Boat Launch is progressing and it is hoped that the boat ramp will be open by this Saturday for salmon season. He noted that the parking lot will not be available for parking, but there are some parking spots available along Redondo Way.

Council Chamber Upgrade

City Manager Piasecki reported that four proposals have been received for the upgrade of the Council Chambers and the City's government access channel 21. A contract for design and construction management is hoped to be awarded shortly.

Rotary Club Wine Festival - March 2005

Clark Snure, Rotary Club Wine Festival Committee member, addressed Council regarding a proposal to hold the first annual wine festival in March of 2005. Mr. Snure advised that he is looking for preliminary approval by Council so that the Committee can move forward with detailed planning and financial commitments. He advised that all through the planning process he will keep Administration and Council advised. He reviewed some of the following details:

- Located at Des Moines Marina.
- March 12 and 13, 2005 prior to the beginning of boating season to minimize impact on the Marina. Times: Saturday 10 a.m. to 6 p.m. and Sunday Noon to 5 p.m. to minimize impact on nearby residents.
- Promote Community and local businesses while raising funds for Rotary Club sponsored charities.
- Rotary will provide security, portable restrooms, and garbage containers.
- Adults only
- Featuring northwest wineries, with snacks, strolling musicians, and wine tasting.
- Admission fee \$15 to \$20

In conclusion, Mr. Snure stated that he will continue to work with Administration and requested a general concurrence from Council to proceed. There was no opposition expressed by Councilmembers.

CONSENT CALENDAR was read by City Clerk Staah.

1. Motion is to approve the minutes of the special and regular meetings of January 8 and 22, 2004.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.
Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:
 - Claim checks # 92635 through #93115 & electronic fund transfers in the total amount of \$1,035,740.60
 - Payroll fund transfers in the total amount of \$344,477.15
3. Motion is to authorize the City Manager to sign the 2004-2005 Coordinated Prevention Grant number G0400158 between the City of Des Moines and the Washington State Department of Ecology for a spring household hazardous waste collection day.

MOTION was made by Councilmember Steenrod, seconded by Councilmember Petersen, to approve the Consent Calendar.

Councilmember Steenrod thanked staff for their work in obtaining the Grant to provide another household hazardous waste collection event. She requested that in the future that the detailed back-up for approval of claims and payroll be copied double sided to reduce the voluminous amount of paper.

VOTE ON MOTION: Motion passed unanimously.

PUBLIC HEARING

Draft Ordinance No. 04-022 Potential Closure of South 212th Street - 1st Reading

Mayor Sheckler introduced the subject, noting that this is not a quasi-judicial matter and declared the Public Hearing open.

City Attorney Marousek read the Council rules into the record for holding the Public Hearing.

Civil Engineer Holmes noted that the portion of South 212th Street directly serves the southernmost end of 7th Place South from Des Moines Memorial Drive, which has approximately 33 homes on 7th Place south from 208th to 212th. He provided the following information:

BACKGROUND

- South 212th Street is a local access road that has become known as a “courtesy road” for local access and invariably sees some cut-through traffic as well.
- Exact volume is unknown, but traffic is estimated at <400 vehicles per day.
- Accidents: Accident history is not inconsistent with other similar roads in the area.
- History of the road is unclear, but it was acquired in the North Hill 1 annexation in 1993.
- 212th has been noted as an unusual road with sight distance constraints.

OPTIONS

- Reconstruct to engineering design guidelines.
- Re-open road in its previous condition.
- Re-open as a one-way road.
- Road closure, with turn around provisions at bottom of 7th Place South.

ARGUMENTS FOR RECONSTRUCTION

- The road provides additional access options for local residents and the North Hill area.
- It has been expressed that it may be easier to use South 212th Street when traffic backs up at the intersection of 1st Avenue South and Des Moines Memorial Drive.
- It has been expressed that it is easier to travel down this route on snowy days?
- Accident history is not substantial - why not keep it?

CURRENT CONDITION

Civil Engineer Holmes showed a picture of the road as it looks today since the street was washed-out on January 10, 2004, as a result of a Highline Water District water main break.

CURRENT DEFICIENCIES

- Grade: 23%
- Width: 13 feet
- Centerline Skew: approximately 40 degrees
- Vertical Curves: Insufficient length and sight distance
- Sight Triangles: Insufficient for uncontrolled intersection
- Stopping Sight Distance: Insufficient
- Adjacent Hidden Driveway: (less than 30 ft.)

Civil Engineer Homes advised that these current deficiencies make the road substandard in virtually every respect using the most liberal national standards, and the City’s adopted street standards. However, he noted that the accident history is surprisingly low considering the

overwhelming number of deficiencies. He felt that this is probably due to relatively low volume, unreported accidents, and some "luck" to this point.

In regards to legal issues, Assistant City Engineer Andrews informed Council that currently there are roads which are substandard, however the law provides some protection for "inherited" substandard engineering. She noted that this road would not be allowed to be constructed in this manner were it a new project. She advised Council that Washington Cities Insurance Authority has strongly advised against a complete reconstruction of this roadway as it does not meet City standards. She questioned whether the City should assume liability for completely reconstructing a road contrary to accepted engineering principles.

In regards to other considerations, Civil Engineer Holmes stated that there are many similar dead-end roads in the North Hill area. He noted that an informal survey conducted between 212th and 209th street showed approximately 50 to 50 support for closing the road. He advised that garbage service does not use 212th on its route.

Assistant City Engineer Andrews informed Council that if reconstructed, 212th's lifespan will be limited by the Des Moines Memorial Drive improvements which is listed in the top five street improvement projects. She noted that the steep grade and substantial retaining walls would make this a very expensive project. She noted that the Police Department has recommended closure, the Fire Department has not cited any life-safety concerns for closing the road and the Public Works Maintenance Department recommends closure citing dangerous mowing conditions. In conclusion, it was noted that the Engineering Department recommends closure of the road with turn-round provisions.

PUBLIC SPEAKERS

Michael Brown, 21000 7th Place South

Mr. Brown spoke as a proponent of the road closure. He cited some of the following reasons: unsafe, narrow one-way road, increased crime and car theft, and would eliminate City legal liability. He noted that safer access is available and safety should be the important issue over the convenience of a few.

James Polhamus, 21131 Des Moines Memorial Drive, King County Fire District #26 Fire Chief

As Fire Chief, Mr. Polhamus spoke in opposition to the closure and presented written response for the record. He acknowledged that the street is narrow, but very short. He noted that sight distance at Des Moines Memorial Drive could be improved by the removal of one tree and altering a fence on the northwest corner of the intersection. He stated that the road is not a primary response route for Fire engines but it is used regularly by Aid Cars, Medic One and ambulances. He advised that the Fire District would oppose the dead ending at 7th Place South as it would simply exchange one non-complying situation for another one. He requested that Highline Water District reconstruct the road to its previous condition, with sight improvements made at Des Moines Memorial Drive.

George Petoff, 21035 7th Place South

Mr. Petoff spoke in support of keeping the street open. He felt that the closure of the road would add to emergency response time and the dead-end, as proposed, would encroach on private property. He cited the following reasons for restoring the street: Highline Water District would bear the expense, there have been no significant accidents or safety issues, restoring the street

would place no additional legal change for the City and increased emergency response time is not acceptable to the older residents.

Marjorie Petoff, 21035 7th Place South

Ms. Petoff felt that the turn-around as proposed by the City would encroach on private property. She would prefer the street be restored.

Pam Joneli, 21024 7th Place South

Ms. Joneli informed Council that the former street was the only safe access she could use when there was snow and ice as she could keep her tires on the dirt shoulder. She noted that this street provided easy access and that she strongly opposes any closure.

Lynne Voss, 20810 7th Place South

Ms. Voss spoke in opposition to any closure of the street. She stated that South 208th is an even steeper grade and that 212th needs to be open to provide emergency access. She felt that any liability for the street would be with Highline Water District and not the City. She stated that if the street is closed she would be stranded during icy, snowy weather, and advised that there has not been a large number of accidents on this road. In conclusion, she questioned why months went by, even after complaints from the neighbors, about water running down the street, until it washed out.

Don Riecks, 21221 5th Avenue South

Mr. Riecks displayed a plat map of the area dated 1889 showing 212th Street as 60' wide, also a survey from 1965 showing a 60 right-of-way. He felt the street should be kept open and stated that it is not as steep as 208th. He requested that the City have Highline Water District restore the street.

Floyd Rodgers, 20905 7th Place South

Mr. Rodgers spoke in favor of closing the street. He cited seeing near misses regarding accidents and short tempers. He stated it is dangerous to make turns off the street and is amazed that no major accidents have occurred. He advised that he does not want his taxes paying for the City's liability for this street. He concluded by noting that he has enjoyed the quiet from the road being closed and feels that closure will enhance property values.

Richard Carlson, 21205 6th Avenue South

Mr. Carlson spoke in support of re-opening the street as the short cut provides access to Des Moines businesses. He stated that if the road is closed he will shop in Normandy Park and Burien.

Mayor Sheckler questioned three times if there were any further speakers. There were none.

9:02 p.m. Mayor Sheckler called for a 10 minute break.

Mayor questioned staff as to whether there was any additional information to be introduced or whether there were any misstatements of facts they wished to address.

Assistant City Engineer Andrews stated that it is true that the street is plated as 60 feet wide and that is fine on a flat piece of paper. However, she advised that the street was developed at 13 feet

wide and is extremely steep. She noted that due to the steepness very tall, expensive retaining walls would need to be installed to widen the road.

Civil Engineer Holmes advised that the proposed turn around is designed to City Street Standards and can be built without encroaching on private property.

Des Moines Police Commander O'Leary informed Council that the police have used the road in the past, but a number of alternative roads are available for access and he felt closing the road would have no significant impact on response time.

City Attorney Marousck cited a case, Phillips vs. King County. She advised that the City can be held liable if the City orders Highline Water District to rebuild the Street.

Councilmember Benjamin noted that only 2 of the public speakers were in favor of closing the street. He questioned Commander O'Leary whether keeping the road open would create easier access for the Police. Commander O'Leary responded it would create more options for access.

Councilmember Steenrod questioned staff whether signage could be placed noting narrow condition and to proceed with caution.

Assistant City Engineer Andrews responded that the signage is possible, but with one vehicle having to back-up to allow another vehicle to proceed, signage would provide no safety benefit.

City Attorney Marousek responded that signage of this type could increase the City's liability.

Councilmember Steenrod voiced the opinion that she could see no compelling issue to close the street and felt that Highline Water District should reconstruct the road to previous condition

Councilmember Petersen suggested that perhaps the road should be one-way, up the hill to the west. (ED NOTE: The audience was questioned as to how many would be in favor of this by a show of hands. There was no response.)

Upon questioning by Mayor Sheckler, Assistant City Engineer Andrews noted that the Des Moines Memorial Drive improvements are scheduled in about 6 years and the access off of 212th would most likely have to be closed due to the steepness. She noted that from a transportation engineering point she cannot support keeping 212th open, but will if directed to by the Council.

Civil Engineer Holmes advised that closure of the street would be the best safety practice in regards to this particular access.

Councilmember Benjamin suggested posing a local access sign that might eliminate other drivers. Civil Engineer Holmes noted that it was his opinion that the signage would have a minimal impact.

Mayor Sheckler declared the public hearing closed.

If we are going to take action ... on ordinance
MOTION was made by Councilmember Benjamin, seconded by Councilmember Steenrod, to direct Administration to direct Highline Water District to restore the street to its original state. Motion passed 3 to 2 with Mayor Pro Tem Thomasson and Mayor Sheckler opposed.

NEW BUSINESS

South King County Ground Water Management Plan

Assistant City Engineer Reinhold informed Council that the purpose of this agenda item is to gain Council's concurrence with the Draft South King County Ground Water Management Plan (GWMP) as outlined in the proposed letter for signature by the Mayor. He stated that the Plan was developed to protect the amount of ground water and its quality both in the present and future, and to provide an effective and coordinated management of the area's water resource. He noted that attachment 2 of Council's packet covers land use impacts, water quality and usage, types of contamination, various management strategies and programs. Attachment 3 in Council's packet covers the implementation and funding strategies for the GWMP.

Mayor Pro Tem Thomasson expressed discomfort in that he has not seen the document in its entirety.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Benjamin, to remand the Plan to the Council's Environment Committee for review and recommendation to the Council as a whole. Motion passed unanimously.

Des Moines Creek Basin Committee Interlocal Agreement #4

Assistant City Engineer Reinhold noted that since 1995, staff from Des Moines, the City of SeaTac, King County, the Port of Seattle and the Washington State Department of Transportation, have worked towards the betterment of the Des Moines Creek Watershed. He advised that because of extensive development within the basin, increasing storm flows have caused severe erosion within the upper sections of the creek and major flooding in the lower sections. He further noted that valuable fish resources have also been impacted by the deposition of scour material in the lower sections and by man-made barriers to passage, such as the Des Moines Creek culvert below Marine View Drive. The Basin Plan was developed to stabilize the stream, thereby eliminating scour from high flows and to dramatically reduce the flooding that now occurs in Des Moines Beach Park. He stated that this is the fourth interlocal agreement between the parties. The agreement includes five major projects which are: 1) the Regional Detention Facility, 2) the Bypass Pipe, 3) Flow Augmentation Facility, 4) Habitat Enhancement and Restoration Projects, and 5) the Marine View Drive Culvert Replacement (Marine View Drive Bridge). He concluded by noting following approval of this interlocal, the Marine View Drive Bridge project will be the first of the projects to start.

Mayor Pro Tem Thomasson stated that while he is in general support of what is trying to be accomplished, he has a number of questions about the proposed agreement. He noted that it is not clear in the agreement who actually ends up owning what. He felt that property rights and easements are not clear. He also cited the following issues: Since the basic plan was adopted a major change has been the inclusion of the State Department of Transportation with the SR 509 improvements, also he can not tell whether the retention basin is any larger since there will be more impervious surface. He questioned what is the States obligation towards maintenance as it would appear there is no long term obligation, only a monetary contribution. He further advised that there is other issues that he feels needs to be addressed and therefore would prefer this proposal be remanded to the Environment Committee to sort through the various issues and bring back recommendations to the full Council.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Mayor Sheckler, to remand this issue to the Environment Committee.

Mayor Sheckler stated that this is a time-sensitive issue and would encourage the Committee to address the matter as quickly as possible.

Councilmember Steenrod noted that construction on the Marine View Drive Bridge Construction could start as early as July 2004 and she expressed concern that with construction continuing on Pacific Highway South, the City could experience major traffic back-up problems. She questioned whether the Bridge project could be pushed back for six months. She requested that this be an issue that the Environment Committee looks at.

Assistant City Engineer Reinhold advised that there is a deadline on the WSDOT funds and the funding will terminate in July 2005. He noted that this creates a pretty narrow construction season to complete the work.

City Manager Piasecki commented that the Pacific Highway South project is probably at its worst right now, but by July things should be better, and should be mostly completed by October. He also pointed out that there will always be traffic access provided across the Bridge. He noted that the Environment Committee can be furnished with schedules for the two projects and then a better estimate can be provided regarding traffic impacts.

VOTE ON MOTION: Motion passed unanimously.

Draft Ordinance No. 03-153 [ASSIGNED ORDINANCE NO. 1335] - Pacific Place Subdivision Covenant Release - 1st Reading

Land Use Planner Carlson reminded Council that the final plat for the Pacific Place subdivision was approved by Council on September 25, 2003. She advised that the applicant has requested that two covenants be released. The first is a drainage release covenant which was written in 1995 prior to the annexation of the property from King County. She stated that the City Attorney has advised against release of this covenant and staff concurs. She noted that the second covenant is a surface water retention/detention facility that was never constructed for a multifamily/commercial development that was never built. She advised that Administration believes that the full release, termination and extinguishment of this covenant is necessary to clear the title for the new townhomes that are under construction on the site of Pacific Place, and therefore recommends approval of the Draft Ordinance.

MOTION was made by Councilmember Benjamin, seconded by Mayor Pro Tem Thomasson and passed unanimously, to suspend Council Rule 26(b) in order to enact Draft Ordinance No. 03-153 on first reading.

MOTION was made by Councilmember Benjamin, seconded by Councilmember Petersen, to enact Draft Ordinance No. 03-153 to approve the release, termination and extinguishment of covenant No. 8803290783.

City Manager Piasecki read the ordinance by title into the record.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE

Mayor Sheckler announced the following meeting dates:

- Special Meetings February 20 through 22, 2004 (Retreat Olympia, WA)
- Regular meeting February 26, 2004

ADJOURNMENT

At 10:14 p.m. **MOTION** was made by Councilmember Benjamin, seconded by Mayor Pro Tem Thomasson and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT:

Intergovernmental Relations Policies
and Positions

ATTACHMENTS:

2002 Intergovernmental Relations Policies
and Positions

FOR AGENDA OF: February 26, 2004

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: February 23, 2004

CLEARANCES:

[] _____

APPROVED BY CITY MANAGER

FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is to allow the City Council to review the City's current Intergovernmental Relations Policies and Positions and make any modifications, additions, or deletions that are deemed necessary.

Suggested Motions

"I move to adopt the Intergovernmental Relations Policies and Positions as amended by the City Council."

Background

The City Council first adopted a set of intergovernmental relations policies and positions in 1998, to let the public and our state and national legislative delegations know the official positions of the City of Des Moines on a variety of issues and subjects. Having adopted positions also allows staff to accurately relate the City's positions when discussing issues with other elected officials, in particular our state senator and representatives. Since these positions were first adopted, the City Council has, from time to time, amended and updated them. The last review of these positions was in February 2002, with formal adoption at the April 25, 2002, City Council meeting.

Discussion

Given that circumstances related to a few of these policies and positions have changed over the last two years, that the City Council has not reviewed or changed them for almost two years, and that other issues have arisen on which the Council may want to take a position, it is reasonable for the Council to review and amend these policies and positions as needed. For example, item B.1.a. relates to the Mt. Rainier Pool. Since the City now owns the pool, the Council may want to eliminate or modify this position. Item B.2.z. should be changed to reflect that the legal challenge of the Utilities and Transportation Commission's ruling on city rights-of-way and Puget Sound Energy has been fully adjudicated but that the current rules regarding relocates and undergrounding are not what was in effect (and desired by the City to be maintained) several years ago.

Several issues that have come up since the last time the City Council updated the intergovernmental relations policies and positions that Council may want to take a position on. Examples of new issues include: the Streamlined Sales Tax efforts and the sourcing rule, applying existing sales tax laws to purchased made via the internet and telephone, efforts to change the number of King County councilmembers, and the new initiative that would reduce property tax collections by twenty-five percent. Staff will work on a list of new issues for the Council to consider at the February 26th meeting.

Alternatives

Council may chose not to update the intergovernmental relations policies and positions, leaving them as they currently are. Council may also chose to change and/ or add policies and positions not noted in this agenda item.

Financial Impact

None.

Recommendation

Staff recommends that Council review the attached intergovernmental relations policies and positions and make changes as it feels are necessary or reaffirm the current positions.

Concurrence

None.

City of Des Moines

2002 Intergovernmental Relations Policies and Positions

A. General Policies

1. Any new requirements from the county, state, or federal levels should be matched with ongoing secure sources of revenue sufficient to fund the mandate.
2. Decisions affecting Des Moines are best made at the local level. Therefore, county, state and federal legislation or mandates should not erode or curtail local authority.
3. The City opposes any federal, state or regional actions which reduce the fiscal capacity of the City to provide services to its citizens.

B. Intergovernmental Positions

1. Metropolitan King County
 - a. The City will not accept responsibility for ownership or operation of the Mt. Rainier pool without full compensation or new revenue sources sufficient to offset operating and capital deficits. Any revenue stream must be able to meet all future annual operating deficits as well as provide sufficient capital reserves to maintain the pool in a safe, useful, cost efficient, and attractive condition.
 - b. King County should fund regional human service needs from current or future county revenues. Des Moines should remain a provider of local human services.
 - c. Any King County budget or service reductions should treat residents of incorporated and unincorporated areas equally.
 - d. King County Metro should provide the following transit services to Des Moines residents.
 - (1) Existing routes
 - (2) Metro should restore service lost to cutbacks in 2000.
 - (3) Provide looped service to the Woodmont and Redondo areas of Des Moines.

- (4) Provide Dial-a-Ride service to the citizens of Des Moines.
 - (5) Continue to fund the Access transit program.
 - (6) Institute the planned rapid transit route along Pacific Highway S. to and from the Tukwila Sounder rail station.
 - e. The City will participate in the WRIA9 water quality improvement process. Any new sources of revenue from Des Moines residents to support projects should be subject to City Council review and authorization.
 - f. The City of Des Moines supports other suburban cities in their negotiations to have King County fund infrastructure improvements in unincorporated areas prior to annexation. New unincorporated developments should provide urban level improvements such as adequate right-of-way, curb, gutter, underground utilities, etc.
 - g. The City strongly supports retention of full local authority to operate municipal courts.
 - h. The City opposes re-initiation and expansion of fill mining operations on Maury Island.
 - i. The City supports 24-hour booking at the Regional Detention Center in Kent.
 - j. King County should respect previous agreements regarding regional governance.
2. State of Washington
- a. The City supports additional funding for local criminal justice needs and training.
 - b. Des Moines supports added funding to meet local and regional transportation needs.
 - c. Any electric utility deregulation should not result in increases for local rate payers and should provide for consumer aggregation options for bulk purchases. (This policy also applies at the federal level.)
 - d. The City supports tort reform that reduces municipal liability and exposures.

- e. The City opposes legislation that preempts local zoning control.
- f. Des Moines supports legislation that treats City leases of DNR aquatic lands equal to Port leases.
- g. The City opposes personnel and labor relations legislation which diminishes its management rights or mandates additional unfunded programs and benefits. (This policy also applies at the federal level.) Des Moines supports legislation providing civil immunity from reference checks.
- h. The City supports continued improvements to high speed passenger rail travel from Portland to Vancouver, B.C. to reduce dependence on planes and automobiles.
- i. The City supports legislation which would abolish the 1889-1890 right-of-way vacation by operation of law statutes.
- j. The City supports legislation returning to Des Moines at no cost and with no conditions any portions of the SR-509 right-of-way not used for traffic improvements.
- k. The City opposes any legislation which directly or indirectly aids in the expansion of Sea-Tac International Airport. (This policy also applies at regional and federal levels.)
- l. The City opposes any legislation which reduces the authority of cities to annex territory.
- m. The City opposes legislation which reduces the authority of cities to assume special purpose districts.
- n. The City supports legislation that requires either sponsors of essential public facilities or jurisdictions in which EPF's are located to fully mitigate environmental, social, and economic impacts of the EPF in neighboring impacted jurisdictions.
- o. The City opposes legislation that would reduce municipal control over city streets and rights-of-way.
- p. The City supports legislation to provide cities with permanent full replacement revenues to offset State funding lost due to I-695.
- q. The City supports legislation to elect Port commissioners by district.

- r. The City opposes mandatory requirements for affordable housing and housing growth targets.
 - s. The City supports legislation clarifying the right of cities to exercise use and zoning powers with respect to gambling activities, including the power to adopt moratoria, interim zoning controls, and prohibit gambling activities.
 - t. The City supports legislation or regulation requiring the covering of loads for vehicles hauling dirt, rock, sand, and gravel.
 - u. The City supports legislation to increase the local share of municipal court fines and forfeits.
 - v. The City supports legislation to allocate surplus LEOFF I pension funds to local government to assist in meeting LEOFF I medical and long term care obligations.
 - w. The City supports legislation to remove the requirement that cities update their Shoreline Management Plans every two years and replace it with a more realistic 3-4-5 year schedule. In addition, Des Moines supports full state funding for the SMA updates.
 - x. The City supports legislation establishing a state process for siting a major supplemental airport and other essential public facilities of a regional nature.
 - y. The City supports legislation to extend the deadline for GMA critical areas updates to 2004-2007.
 - z. The City supports legislation and legal appeals that overrule recent Washington Utilities and Transportation Commission decisions regarding city rights-of-way and Puget Sound Energy. Cities should not be required to purchase private easements for utilities and current rules regarding utility relocates and undergrounding should be maintained.
3. Federal
- a. Utility deregulation – see Policy B.2.c.
 - b. Airport – see Policy B.2.k.
 - c. Personnel – see Policy B.2.g.
 - d. The City supports continued Block Grant funding.

4. Interjurisdictional and Regional

- a. For purposes of the EIS review, the City supports the extension of SR-509 along the preferred alternative route C-2 to I-5 in the vicinity of S. 210th-S. 211th. Phase I should guarantee completion of the route from I-5 to SR509. The project must also include the planned south access route.
- b. The City supports completion of the higher speed south access route from the SR-509 extension to the south end of the airport to be funded by the Port of Seattle.
- c. The City supports the construction of the 28th-24th arterial as a separate business access roadway and opposes any interim use of this route for airport south access.
- d. The City supports efforts to reduce King County jail costs and/or to provide lower cost jail services in Yakima, Okanogan, or other counties.
- e. The City supports straightening the Kent-Des Moines boundary on Highway 99 south of Kent-Des Moines Road so that Highway 99 would be the dividing boundary between the two cities.
- f. The City generally supports local, state, and regional efforts to proactively improve salmon habitat to avoid imposition of more restrictive and less flexible federal standards.
- g. The City supports and encourages local water districts to engage in regional and local efforts to ensure adequate future water through conservation and development of new supplies.
- h. The City supports completion of Sound Transit RTA routing to S. 200th in Phase I. Phase II should be routed along I-5 adjacent to Des Moines with minimal disruption to Pacific Ridge.
- i. The City supports retention of local control over its roads.

Adopted by the
Des Moines City Council
April 25, 2002

PRELIMINARY
SPECIAL MEETING DES MOINES CITY COUNCIL

MINUTES

February 12, 2004

The special meeting was called to order at 7:00 p.m. in the City Hall Conference Room, 21630 11th Avenue South, Suite A.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen and Maggie Steenrod. Absent: Councilmembers Dan Sherman and Susan White. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Assistant City Attorney Richard Brown, Assistant City Engineer Maiya Andrews and Civil Engineer Mike Holmes.

It was announced that the Council would hold an Executive Session for approximately 30 minutes to discuss with legal counsel representing the City litigation or potential litigation to which the City was or was likely to become a party, and about which public knowledge regarding the discussion was likely to result in an adverse legal or financial consequence to the City.

No formal action was taken.

ADJOURNMENT

The special meeting adjourned at 7:30 p.m.

Respectfully submitted,

Linda A. Marousek
City Attorney

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 5, 2004

The regular study session of the Des Moines City Council was called to order by Mayor Sheckler at 7:34 p.m. in the City Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Steenrod.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Assistant City Engineer Maiya Andrews, Finance Director Paula Henderson, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

DISCUSSION ITEMS

Draft Ordinance No. 03-199 Gates on Private Streets - 1st Reading

Assistant City Engineer Andrews reviewed the following changes to Attachment A of the draft ordinance:

1. The turnaround requirements in #5 were changed so that it includes the ability to back-up as long as it is not onto public right-of-way.
2. Item #9 was rewritten to include a broad range of options for a power outage default mode in addition to an auxiliary power supply.
3. Item #11 includes both the old item #11 and #12. The Community Development Director recommended that the height be up to 10 feet, but that even higher gates would be considered.
4. Item #12 (old Item #13) now says "sufficient" activation devices for public utilities.
5. The permits are now called "gate permits" and the fees are to be set by the City Manager (Item #16). The estimated fee is expected to be in the \$750 to \$1000 range.
6. The gate removal clause in Item #17 now refers to in cases of "public safety". It also includes an appeal process to the Hearing Examiner.

City Attorney Marousek informed Council that she has provided a 2nd draft of the ordinance which provides for the recitals to be adopted as findings of Council. She advised that this will provide a legislative history.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, that Council Rule 26(b) be suspended in order to enact Draft Ordinance No. 03-199 on first reading. Motion passed unanimously.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to adopt Draft Ordinance No. 03-199.

Mayor Pro Tem Thomasson read the draft ordinance by title into the record.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Mayor Sheckler, to amend Exhibit A, Item #11, last sentence to read: "In no event shall the moving portion of the gate exceed 10 feet in height."

Upon questioning by Councilmember Steenrod, City Attorney Marousek advised that the draft ordinance, as proposed, will satisfy the needs of the private property owner wishing to place a gate on his private street.

Discussion ensued regarding archways over the gate and whether code language may need to be developed to cover this issue. City Manager Piasecki pointed out that allowing archways over gates may be something that should not be allowed due to potential problems for access by large trucks.

VOTE ON AMENDMENT: Motion passed unanimously.

VOTE ON MAIN MOTION: Motion passed unanimously.

Indemnification & Legal Representation for City Officials & Employees

MOTION was made by Councilmember Steenrod, seconded by Councilmember White to remove this discussion item from the agenda.

Mayor Pro Tem Thomasson noted that he would like to discuss certain sections of the proposal. He advised that there is a potential need to extend greater protection to employees.

City Manager Piasecki noted that he would prefer to see a mechanism that does not put the City Attorney in the position of making the determination of whether defense will be provided.

Councilmember Sherman suggested that Mayor Pro Tem Thomasson present his ideas to staff to draft a proposed change to the current code requirements.

Councilmember Steenrod expressed agreement that there is a need to review the City's current code requirements and would like to discuss ideas with Mayor Pro Tem Thomasson and present these suggestions to staff.

City Attorney Marousek advised that she would prefer direction after full Council discussion on any proposals to change the existing code.

VOTE ON MOTION: Motion passed unanimously.

Video Taping of Council Meetings

City Manager Piasecki announced that Dick Thomas of Thomas Video Productions has accepted an employment opportunity elsewhere and will no longer be video taping Council meetings. He advised that a new contractor has been engaged called Puget Sound Access and they will be video recording Council meetings beginning this evening.

He further advised that R.F.Q's have been issued for upgrades to the Council Chambers and that responses are due tomorrow. He noted that the upgrades should be completed within four to six months.

Draft Resolution No. 03-309 6 Year CIP

Finance Director Henderson continued review of the 6 Year CIP, requesting Council input.

ARTERIAL STREET FUND

Mayor Pro Tem Thomasson commented that he would like to see the missing 2 blocks of sidewalks, curbs and gutters included for Kent-Des Moines Road from 24th Avenue South to Highway 99. This project is scheduled for the north side of Kent-Des Moines Road, and with the Pacific Highway Project, it would make sense to complete the link.

Councilmember Benjamin noted he would like to see sidewalks on the south side of Kent-Des Moines Road as that is where most of the apartments are located, and that is where he sees most of the pedestrian traffic.

Councilmember Sherman expressed agreement with Councilmember Benjamin especially the area from 24th Avenue South going east to Highway 99.

Assistant City Engineer Andrews advised that the south side of Kent-Des Moines Road has extremely steep slopes making sidewalks on that side extremely expensive and very unlikely. She also reminded Council that on the south side past 24th Avenue South is actually in the City of Kent, so coordination would have to be made between the cities.

Mayor Pro Tem Thomasson stated that Council has only been provided with the expense side of the CIP and he would like both expenditures and revenues.

In regards to obtaining any grant for bridge repairs for the North Twin Bridge, Assistant City Engineer Andrews stated that this was very unlikely. She advised Council that within this year work will have to be done on one of the expansion joints, however at this time costs are not known.

In regards to the Traffic Impact Fee fund balance, Mayor Pro Tem Thomasson felt that some of the debt from the Pacific Highway South Project should be refunded out of those Traffic Impact Fees. He suggested that traffic impact fee money be dedicated first to repay the debt for the Public Works Trust Fund loan for the Highway Project and the 16th Avenue South Project.

Councilmember Steenrod questioned what if there is no development to generate Traffic Impact fees.

Mayor Pro Tem Thomasson responded that a policy statement regarding impact fees might be "the first place they go is to pay debt on projects that were built and the second place they would go would be to leverage grants that the City is trying to get". He questioned staff's basis for the revenue estimates.

City Manager Piasecki commented that a policy statement regarding the impact fees could be included in the resolution that adopts the CIP and he noted that he sees a concurrence with this idea.

Councilmember Sherman requested that there be a mechanism to have impact fees pay the City back for when the City had to use unrestricted funds to make payments on project loans.

Mayor Pro Tem Thomasson stated that he did not feel \$25,000 was enough for Traffic Control.

City Manager Piasecki noted that if the \$25,000 is not enough for a high priority project, then the money is held for a year and carried forward to add to the next budget year's appropriation. Mayor Pro Tem Thomasson noted that he would like to see this spelled out as a policy.

SURFACE WATER CAPITAL FUND

Mayor Pro Tem Thomasson noted in regards to transfer from SWM operations is that it has continued to decline over time as the SWM rate has not kept up with the need for capital projects. He stated that an efficiency study is being done and he is hoping that one of the answers that will come out of that study is, what should the capital stream be. He felt that on the revenue side it should be acknowledged that the study should make a recommendation on just what should be plugged into that account. He noted that on the other side is, what are the needs in the storm water fund. He commented that there is a large unmet needs list that is not included. He stated that he hopes some of these issues will be addressed in the study. He felt that next year the results of any business plan should be included.

In regards to the McSorley Creek Basin project, Mayor Pro Tem Thomasson commented that this project overlaps with several jurisdictions. He questioned why it was thought that Des Moines would get the whole \$50,000 from WRIA 9 against our share of the study. He also questioned who would administer the study.

City Manager Piasecki noted that the WRIA 9 funding source line includes "others" to make the \$50,000, and that the City is adding another \$50,000. He further advised that we will most likely administer the study as we are the largest jurisdiction involved. However, this will be determined once an interlocal agreement is established.

MARINA CAPITAL FUND

In regards to the Dry Stack Boat Storage, City Manager Piasecki noted this item will be removed and the dollar amount will remain within the Fund, with an annotation of "to be determined".

In response to questioning by Councilmember Steenrod, Harbormaster Dusenbury stated that N dock will be rewired and the fire suppression system will be installed as part of the first phase of the power project. The entire fire suppression system should be completed by the end of 2006 or possibly sooner.

Upon questioning by Councilmember White, Harbormaster Dusenbury noted that there currently are no funds for Boardwalk improvements at Redondo. However, he noted that sometime within the next year there will need to be some maintenance. These needs can be addressed through the Marina's operational budget, rather than the Capital Improvement Plan.

Councilmember Steenrod questioning whether parking needs will be addressed in the Redondo boat launch area.

Harbormaster Dusenbury advised that several ideas are in the working stage.

City Manager Piasecki noted that the City does have some right-of-way on the east side of Wooten Park and staff is looking at ways to possibly create more parking. He advised that this concern for parking will be addressed in the near future after the Redondo launch area is complete.

Mayor Sheckler noted that staff has advised that the final resolution adopting the CIP should be back to Council for final adoption sometime in the next three to four weeks.

NEXT MEETING DATE

Mayor Sheckler announced that the next regular meeting will be February 12, 2004.

ADJOURNMENT

At 8:45 p.m., **MOTION** was made by Councilmember White, seconded by Councilmember Steenrod and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk

